

San José State University
Department of Political Science
Political Science 190-1: Senior Seminar
Politics of Punishment in the United States
Fall 2016

Professor: Garrick L. Percival

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Office Hours: Tuesday 9-10:30; Thursday 3-4:30; and by appt.

Class Days/Time: Tuesday and Thursday 10:30-11:45am

Classroom: Hugh Gillis Hall 116

CANVAS Website: <http://sjsu.instructure.com>

Course Description

The United States has the distinction of ranking #1 among the world's nations in the incarceration of citizens. Seven million Americans (or about 1 in 31 adults) are under some form of "custodial control" (i.e. in prison, jail, on probation or parole). In this class, we will ask why? Why does America, a nation where freedom and equality putatively serve as guiding principles, put so many of its citizens behind bars? Rising crime rates are often the most cited answer but, as we will see, crime rates have been declining in America for the better part of two decades. If crime has continued to fall why have our prisons and jails become stock full of bodies?

This course places emphasis on the *politics* of "mass incarceration." In a democracy it is through politics—the collective competition over the allocation of awards and benefits, penalties and punishments—that society chooses how to punish those who break social rules. Punishment, as it's carried out in America's correctional systems today would be nearly unrecognizable to corrections experts, practitioners, and engaged citizens living in the middle decades of the 20th century. In short, it didn't used to be this way. Reading and analyzing research from academics across the social sciences we'll investigate the forces behind mass incarceration, its social and economic costs, and the challenges of building a more rational and humane penal system.

Course Goals and Learning Outcomes

Political Science Program Learning Outcomes

- **Breadth**
Students should possess a broad knowledge of the theory and methods of the various branches of the discipline.
- **Application**
Students should be able to apply a variety of techniques to identify, understand, and analyze domestic and international political issues and organizations.
- **Disciplinary methods**
Student should be able to formulate research questions, engage in systematic literature searches using primary and secondary sources, have competence in systematic data gathering using library sources, government documents, and data available through electronic sources, should be able to evaluate research studies, and should be able to critically analyze and interpret influential political texts.
- **Communication Skills**
Students should master basic competencies in oral and written communication skills and be able to apply these skills in the context of political science. This means communicating effectively about politics and/or public administration, public policy, and law.
- **Citizenship**
Students should acquire an understanding of the role of the citizen in local, state, national, and global contexts and appreciate the importance of lifelong participation in political processes.

Upon successful completion of this course, students will:

- CLO1. Demonstrate knowledge of political science and public policy theories of government and apply them to explain the rise in “mass incarceration” in the United States (Assessed by midterm and final exams, and term paper)
- CLO2. Think critically about the role and function of the criminal justice system in American politics as it relates to issues of race, class, and urbanization, and the public policy making process more generally (Assessed by midterm and final exams, and term paper)
- CLO3. Demonstrate knowledge of the political and governing institutions that present barriers to criminal justice reform (Assessed by term paper)
- CLO4. Acquire the practical skills and information that facilitate participation in public policy making either as a concerned/engage citizen, or a public or private professional (assessed by Court Observation and Reflection Paper)

Required Texts/Readings**

Textbooks

- Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*
- Marc Mauer and Sabrina Jones, *The Race to Incarcerate*
- Amy Lerman and Vesla Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control*
- Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America*
- Joshua Page, *The Toughest Beat: Politics, Punishment, and the Prisoner Officers Union in California*

- Garrick Percival, *Smart on Crime: The Struggle to Build a Better American Penal System*
- Jonathan Simon, *Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America*

Other Course Readings:

**I also encourage you to read a national newspaper that covers criminal justice issues. The *New York Times*, the *Washington Post*, and the *Los Angeles Times* (latimes.com) are all good sources, but there are a number of others. Most definitely follow The Marshall Project online (themarshallproject.org) and on twitter (@MarshallProj). The Marshall Project covers material only on prisons and mass incarceration.

SJSU classes are designed such that in order to be successful, it is expected that students will spend a minimum of forty-five hours for each unit of credit (normally three hours per unit per week), including preparing for class, participating in course activities, completing assignments, and so on. Because this is a **four-unit course**, you can expect to spend a minimum of nine hours per week, in addition to time spent in class, on scheduled tutorials, assignments, or activities. This additional unit will allow for more in-depth investigation and engagement with course topics. Careful time management will help you keep up with readings and assignments and enable you to be successful in all of your courses. More details about student workload can be found in [University Policy S12-3](http://www.sjsu.edu/senate/docs/S12-3.pdf) at <http://www.sjsu.edu/senate/docs/S12-3.pdf>.

Course Requirements and Assignments

SJSU classes are designed such that in order to be successful, it is expected that students will spend a minimum of forty-five hours for each unit of credit (normally three hours per unit per week), including preparing for class, participating in course activities, completing assignments, and so on. Because this is a **four-unit course**, you can expect to spend a minimum of nine hours per week, in addition to time spent in class, on scheduled tutorials, assignments, or activities. This additional unit will allow for more in-depth investigation and engagement with course topics. Careful time management will help you keep up with readings and assignments and enable you to be successful in all of your courses. More details about student workload can be found in [University Policy S12-3](http://www.sjsu.edu/senate/docs/S12-3.pdf) at <http://www.sjsu.edu/senate/docs/S12-3.pdf>.

Your course grade will be determined by the following 5 components

	<u>Points</u>
Midterm Exam	160
Term Paper Assignment	320
Class Participation	80
Court Observation and Reflection	80
Final Exam	160

Total Points= **800**

Course letter grades will be assigned using the following scale:

A+=99--100%	A=93--98%	A- =90--92%	B+=87--89%
B=83--86%	B--=80--82%	C+=77--79%	C=73--76%
C--70--72%	D+=67--69%	D=63--66%	D--60--62%
F=59% or below			

Midterm Exam

The midterm exam will consist of essay questions drawn from assigned readings and class discussion material. Please note the date and time of the midterm exam listed on the course schedule below.

Final Exam

The final exam will consist of essay questions drawn from assigned readings and class discussion material. The exam is not comprehensive and will test your knowledge of the material covered after the midterm. The final exam is scheduled for Thursday December 15th, 9:45am-12pm. Please note that the final exam cannot be rescheduled for outside-the-classroom work conflicts or family vacations. Be sure to plan your work schedule accordingly.

Participation

The senior seminar is designed to be discussion driven. As a result, students are expected to be engaged participants throughout the semester. This means asking relevant and thought provoking questions, answering questions voluntarily, and sharing their personal experiences or insights. This, of course, requires that students read critically, take notes on the assigned readings and in-class material, and come to class prepared to offer thematic questions that add to the group's understanding.

Each week a student will serve as a co-discussion leader along with Professor Percival. Effective class leadership involves preparing well in advance of class (e.g. completing all the assigned readings, identifying broad themes for discussion, preparing questions, and offering critiques of the authors' main arguments). Fifteen percent of the student's participation grade (12 points) will be determined by his/her performance as a co-discussion leader during one class period. Each student will be required to meet with Professor Percival before his/her assigned class day to discuss co-leadership responsibilities. Also as part of your participation grade, students will also have a chance to help organize and attend a special statewide ballot initiatives-focused forum being filmed on campus on September 23rd. One of the topics likely to be covered is the repeal of the death penalty in CA. I'll issue more information on this event shortly.

Superior Court Observation and Reflection Paper

Students will be required to spend three hours observing criminal justice proceedings in the Santa Clara County Superior Court system. The goal of this assignment is to help you see the criminal justice system in real life and compare what you've witnessed in our legal system to what we've learned about the system in class. Most students will find it easiest to go to the Hall of Justice (http://www.sccourt.org/general_info/contact/courthouses/hoj.shtml) in downtown San Jose, but there are other opportunities to see criminal proceedings in Palo Alto, Sunnyvale, and Morgan

Hill. Students should attempt to witness different parts of the criminal justice process—including arraignments, bail hearings, plea bargains, preliminary hearings, or even part of a criminal trial, for this assignment. These proceedings are open to the public. To help plan your visit please review the Superior Court’s published schedule http://www.sccourt.org/court_divisions/criminal/crimcalendar.shtml. After you’ve completed three hours of observation you’ll be asked to write a short (3-4 page) reflection paper discussing what you witnessed and learned. I’ll issue a separate memo for this assignment in week two of the semester.

Term Paper Assignment

A 20-page term paper will be required. The term paper comprises 40% of your total grade in the course (320 points). Students are asked to research and analyze a topic of their choice related to the criminal justice system and/or mass incarceration in America. Begin by picking a topic motivated by a primary hypothesis (that is, testing a relationship between two or more variables), move to build a primary research question that will structure the paper, and then begin your research and analysis. Given the broad themes of the course there are any number of issues that might work. Here is a sample of issues/topics but this is certainly not an exhaustive list:

- Felon disenfranchisement
- Passage of the Fair Sentencing Act
- California Prison Realignment
- Movement to Abolish the Death Penalty
- Incarceration of juveniles
- Solitary Confinement
- Bail Reform
- Private prison companies as lobbyists for imprisonment
- Race and the prison system
- Public opinion and punishment
- Mandatory sentencing (or reform thereof)
- The power (and lack of oversight) of elected prosecutors
- Banning felons from jury service
- “Ban the Box” Movement
- Comparative imprisonment rates (comparing the U.S. to other nations)
- Statewide ballot initiatives decriminalizing marijuana
- Probation or Parole Reform (Swift, Certain, and Fair)
- Politics of presidential clemency
- Effectiveness of “Broken-Windows” Policing

Leading up to the final term paper, students are required to submit several “mini” assignments (which combined, comprise 10% of your term paper grade) that will help you construct your final product. These include a:

- Topic selection assignment (5 points)
- Paper outline along with an annotated bibliography (10 points)
- Draft of the first 5 pages of your final term paper (17 points)

Due dates for each mini assignment are presented in the course schedule below.

Classroom Protocol

No Smartphone or Computer Use in Class

I'm a big fan of technology—smartphones, tablets, laptops, fancy garage door openers—you name it, I'm a fan. ****Yet**** in this class we're going "old school." No computers or smartphones will be allowed during class time unless otherwise noted. If you absolutely must use your phone, please leave the classroom. If I notice smartphone use, I will ask you to leave.

Email Communication

The easiest way to contact me is via email. Please be aware though that I will not (unless in unusual circumstances) respond to email after normal working hours (Monday through Friday 8am-6pm). During busy times of the semester I receive a high volume of emails so please give me at least 24 hours to respond (not counting weekends for reasons just described) before sending me a follow up.

Make Up Exam and Late Paper Policy

Make-up exams are only given in cases of excused absences in accordance with the university's policy on excused absences. Circumstances that may lead to an excused student absence are subpoenas, jury duty, military duty, religious observances, illness, illness of a dependent, and bereavement for immediate family. If you are a member of a SJSU varsity intercollegiate athletic team, please provide me with your team schedule during the first week of the class.

Term papers that are turned in late will be penalized a full letter grade for every 24 hours past the original due date. For example, a paper turned in 10 minutes past the scheduled time it was due will be marked down 1 full letter grade. This same penalty will apply to a paper turned in up to 24 hours past the original due date. For every 24 hours after that, a paper will be penalized an additional letter grade and so on until the start value is an "F". Please be aware of this policy and be sure to get your writing assignments turned in on time.

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>

POLS 190-1: Senior Seminar (Politics of Punishment) Schedule*

**Schedule is subject to change with fair notice and will be announced via email and/or in-class announcement.*

Week	Date	Topics, Readings, Assignments, Deadlines
0	8/25	Introductions and Course Overview Sign up for co-leadership assignments for the semester Read for Tuesday's class: "How to Succeed and Have Fun in a Seminar" http://www.cybermanual.com/how-to-succeed-and-have-fun-in-a-seminar-what-is-a.html (also on Canvas)

4	<p>9/20</p> <p>9/22</p>	<p>Building the Carceral State: How much blame should be placed on actors of the political left?</p> <p>Naomi Murakawa, Chapters 1-3, <i>The First Civil Right, How Liberals Built Prison America</i></p> <p>Naomi Murakawa, Chapters 4-5, <i>The First Civil Right, How Liberals Built Prison America</i></p>
5	<p>9/21</p> <p>9/23</p>	<p>Mass Incarceration as a State and Local Problem</p> <p>Mona Lynch, “Mass Incarceration, Legal Change, and Locale: Understanding and Remediating American Penal Overindulgence” <i>Criminology and Public Policy</i> (2011), pp. 673-698. (On Canvas)</p> <p>Kevin Smith, “The Politics of Punishment, Evaluating Political Explanations of Incarceration Rates,” <i>Journal of Politics</i> (2004), pp. 925-938. (On Canvas)</p>
6	<p>9/27</p> <p>9/29</p>	<p>Mass Incarceration as a State and Local Problem</p> <p>David Ball, “Tough on Crime (on the State’s Dime)”: How Violent Crime Does Not Drive California’s Counties Incarceration Rate—And Why it Should</p> <p>The Vera Institute, “Incarceration’s Front Door: The Misuse of Jails in America.”</p> <p>Sarah, Stillman, “Get Out of Jail, Inc.” <i>The New Yorker</i> (on Canvas)</p>
7	<p>10/4</p> <p>10/6</p>	<p>Research/Catch Up/ Exam Week</p> <p><u>No Assigned Readings: Review for Midterm Exam (in class review if requested)</u></p> <p>Midterm Exam</p>
8	<p>10/11</p> <p>10/13</p>	<p>Tough on Crime Politics and the Golden State</p> <p>Joshua Page, <i>The Toughest Beat</i> chapters 1-2</p> <p>Joshua Page, <i>The Toughest Beat</i> chapters 3-4</p>

13	11/15	Race and the American Penal System Michelle Alexander, <i>The New Jim Crow</i> , Chapter 5
	11/17	The Politics of Reforming the Criminal Justice System Garrick Percival, <i>Smart on Crime: The Struggle to Build a better American Penal System</i> , Chapters 1-3
14	11/22	Garrick Percival, <i>Smart on Crime: The Struggle to Build a better American Penal System</i> , Chapters 4, 5, 8 Assignment: Draft of first five pages of term paper due
	11/24	No Class: Thanksgiving holiday
15	11/29	Reforming California's Prison System Jonathan Simon, <i>Mass Incarceration on Trial</i> , read the Introduction and Chapters 1 and 2
	12/1	Jonathan Simon, <i>Mass Incarceration on Trial</i> , Chapters 3, 4, and 5
16	12/6	The Politics of Reforming the Criminal Justice System: The Case of California Jonathan Simon, <i>Mass Incarceration on Trial</i> , Chapters 6, 7
	12/8	Decarceration in the 21st Century Barry Krisberg, "How do you eat and Elephant? Reducing California's Mass Incarceration one Bite at a Time" Garrick Percival, <i>Smart on Crime: The Struggle to Build a Better American Penal System</i> Chapter 9. Term Paper Due Monday December 12th
		Final Exam Tuesday December 15th, 9:45am-12pm