

SEMINAR: CRIMINAL PUNISHMENT

Preliminary Syllabus (to be finalized after drop-add period)

Professor Reitz

Fall 2009

This syllabus includes reading assignments for the semester. (Some are in books held on reserve in the law library. Inexpensive used copies can usually be found on amazon.com or similar internet site.) The syllabus should alert you to the fact that the seminar is built on a “graduate-school model” rather than a traditional law-school model. Assignments for each class average roughly 150 pages. Seminar students will be assigned responsibility to lead class discussion at least twice during the semester. The readings are heavy by law school standards, but they are compressed into eight weeks of the semester. Note that four meetings at the end of the term are reserved for presentations of student papers.

September 10: *Seminar Introduction.*

Readings: Preliminary Syllabus & attached Seminar Calendar and Ground Rules

September 17: *Prison Life.*

Readings: WILBERT RIDEAU & RON WIKBERG, *LIFE SENTENCES: RAGE AND SURVIVAL BEHIND BARS* (New York: Times Books, 1992), pp. 35-42, 73-107, 124-47, and 217-42 [This book is on reserve in the law library].

September 24: *The Indeterminate Sentencing Model.*

Readings: MARVIN E. FRANKEL, *CRIMINAL SENTENCES: LAW WITHOUT ORDER* (New York: Hill & Wang, 1973) [This book is on reserve in the law library].

October 1: *Mass Incarceration in the U.S, Part I.*

Readings: STEVEN RAPHAEL AND MICHAEL A. STOLL, *DO PRISONS MAKE US SAFER?: THE BENEFITS AND COSTS OF THE PRISON BOOM* (New York: Russell Sage Foundation, 2009), Chapters 1 through 4 [This book must be purchased for the seminar].

Note: *Topic descriptions are due today.*

October 8: *Mass Incarceration in the U.S, Part II.*

Readings: RAPHAEL AND STOLL, *DO PRISONS MAKE US SAFER?*, Chapters 5 through 9.

October 15: *Research and Punishment Policy.*

Readings: JAMES Q. WILSON AND JOAN PETERSILIA, *CRIME: PUBLIC POLICIES FOR CRIME CONTROL* (Oakland: ICS Press, 2002), Chapters 10 and 17 [This book is on reserve in the law library]; Anthony N. Doob and Cheryl Marie Webster, *Sentence Severity and Crime: Accepting the*

Null Hypothesis, in Michael Tonry ed., 30 CRIME AND JUSTICE: A REVIEW OF RESEARCH 143-95 (Chicago: University of Chicago Press, 2003) [This article is available on Westlaw at 30 CRIMEJ 143].

Note: *Outlines are due today.*

October 22: *Race and Punishment.*

Readings: Michael Tonry and Matthew Melewski, *The Malign Effects of Drug and Crime Control Policies on Black Americans*, in Michael Tonry ed., 37 CRIME AND JUSTICE: A REVIEW OF RESEARCH 1-44 (Chicago: University of Chicago Press, 2008) [This article is available on Westlaw at 37 CRIMEJ 1]; Richard S. Frase, *What Factors Explain Persistent Racial Disproportionality in Minnesota's Prison and Jail Populations?*, in Michael Tonry ed., __ CRIME AND JUSTICE: A REVIEW OF RESEARCH __ (Chicago: University of Chicago Press, forthcoming 2010) [The most recent draft of this article will be emailed to students].

October 29: *Case Study: California.*

Readings: Joan Petersilia, *California's Correctional Paradox of Excess and Deprivation*, in Michael Tonry ed., 37 CRIME AND JUSTICE: A REVIEW OF RESEARCH 207-78 (Chicago: University of Chicago Press, 2008) [This article is available on Westlaw at 37 CRIMEJ 207];

November 5: *Case Study: Minnesota.*

Readings: Richard Frase *Sentencing Guidelines in Minnesota, 1978-2003*, in Michael Tonry ed., 32 CRIME AND JUSTICE: A REVIEW OF RESEARCH 131 (Chicago: University of Chicago Press, 2005) [This article is available on Westlaw at 32 CRIMEJ 131].

Note: *Some first drafts are due today.*

PAPER PRESENTATIONS

November 12: Paper presentations.

Note: *Some first drafts are due today.*

November 19: Paper presentations.

Note: *Some first drafts are due today.*

November 30: *Some first drafts are due today.*

December 3: Paper presentations.

December 8: Paper presentations.

Discussion Leader Assignments

- September 17: *Prison Life.* _____
- September 24: *The Indeterminate Sentencing Model.* _____
- October 1: *Mass Incarceration in the U.S, Part I.* _____
- October 8: *Mass Incarceration in the U.S, Part II.* _____
- October 15: *Research and Punishment Policy.* _____
- October 22: *Race and Punishment.* _____
- October 29: *Case Study: California.* _____
- November 5: *Case Study: Minnesota.* _____

First Draft Due Dates, Paper Presentations

- First Drafts Due November 5: _____ (Presentations on Nov. 12)
- First Drafts Due November 12: _____ (Presentations on Nov. 19)
- First Drafts Due November 19: _____ (Presentations on Dec. 3)
- First Drafts Due November 30: _____ (Presentations on Dec. 8)

***** Final papers are due on the last day of exams, December 22. *****

Seminar Calendar and Ground Rules

Professor Reitz

Fall 2009

The main purpose of the seminar is to help you produce a high-quality research paper on a subject of your choice within the broad field of criminal punishment. Secondly, the seminar aims to give you a grounding in a selection of the major issues that confront policymakers in the field. Hopefully, the two goals of the seminar will overlap. The assigned readings will likely provide background and context for the paper topic you select.

What follows is an explanation of the writing calendar for the semester, *i.e.*, the series of deadlines you will encounter on the way to a finished paper. After that, a few additional ground rules for the seminar are set out.

Writing Calendar

Topic Selection. Paper topics should be selected early. A one- or two-sentence written statement of your tentative topic will be due in class on October 1. Please note that this is only our fourth meeting of the term. It is essential that you do some hard thinking, and the necessary preliminary research, to arrive at a topic early in the semester.

Outlines. General outlines of your paper are due in class on October 15. By this time, you should be committed to a topic and far enough along with your research to have a general plan for the written product. Your outlines should show the general structure of the paper but should not be highly detailed. Outlines are limited to one-page, containing several major headings and, if necessary, subheadings.

First Drafts. First drafts are due one week before your paper presentations. First drafts will come due on a staggered basis beginning November 5. It is to your advantage to be in the earlier groups, because you will have more time to rework the paper after receiving feedback. Obviously, however, it takes extra discipline to put a first draft together so soon. At our first meeting, I will solicit volunteers for the early due dates. In the absence of volunteers I will make assignments at random.

Paper Conferences. In the week between your submission of the first draft and your paper presentation, we will schedule a one-on-one meeting, at a mutually convenient time, to go over the draft. The purpose of this conference is to provide guidance to you about the revisions needed in the written paper. We may talk briefly about the upcoming presentation, but that is not the prime focus.

Paper Presentations. Each student will make a “work-in-progress” presentation to the class about his or her paper during the last several weeks of the semester. The purposes of the presentation are to (1) familiarize the class with each student's ongoing research, and (2) to help the author of each paper formulate a coherent argument.

Final Papers. Final papers are due on the last day of exams, December 22. Absent extenuating circumstances, I will deduct from papers' grades in cases of lateness. This policy extends to all deadlines imposed by the writing calendar (i.e., topics, outlines, first drafts, and final papers). If you have a legitimate problem along the way, let me know. Usually we can work something out.

Additional Ground Rules

Class Attendance and Participation. The seminar is designed on a graduate school model, which means that class attendance and the quality of class discussions are essential elements of the seminar's success. I reserve the right to make adjustments in final grades based on attendance and class participation.

Special Class Participation Assignments. For meetings before the paper presentations (September 17 through November 5), two or three students will be assigned each week to serve as discussion leaders. Every student will have this responsibility twice over the course of the semester. DLs should prepare for class with special care, and should be ready to discuss, or raise questions about, the most important issues contained in the reading assignments for that week. DLs should come to class with at least three or four major topics in hand designed to lead discussion. There is no expectation that DLs will coordinate with each other ahead of time. Of course, the remainder of the group is not excused from participation just because they are not designated as DLs.

Grading. Grading is based chiefly on the quality of your final paper, subject to the adjustments noted above. I do not grade first drafts (although you will probably be surprised by the amount of critical attention they receive!). This does not mean that first drafts should be slapped together. In my experience, it is very difficult to produce a high-quality final paper without a solid first draft.

Honor Code. Seminar students are responsible for knowledge of the Law School's Honor Code. All work submitted in the seminar must be in full compliance with the Honor Code, with special emphasis on the Code's plagiarism provisions.