



## **Crime, Justice and the American Legal System**

Sociology 179, Fall 2013  
Harvard College

### **Cory Way, DPhil, JD, MPA**

Lecturer, Department of Sociology  
Allston Burr Resident Dean, Kirkland House  
Affiliated Faculty, Harvard Law School Program on the Legal Profession

**Overview** | This course explores the causes and consequences of crime in society. We will critically examine the role of key players in the American criminal justice system, including police, politicians, judges, lawyers, offenders, victims and the media. We will also consider historical, political, sociological and theoretical dimensions of controversial issues in criminal justice practice and policy. Classes may also include guest speakers from relevant fields.

**Meetings** | This class meets on Wednesdays from 2pm to 4pm at Harvard Law School's Pound Hall, Room 200. The course is conducted in an interactive lecture format with periodic guest speakers and case study discussions. Laptops and tablet devices are permitted only for those with compelling and documented medical need. The course may be added by students until the second lecture meeting in Week 2, at which time the course closes.

**Office Hours** | Cory Way's office hours are Wednesdays from 4pm to 6pm in the Kirkland House Dean's Office. You may sign up for office hours on iSite and contact him through Linda Matarazzo, Assistant to the Dean (617 495 2276), or at [coryway@fas.harvard.edu](mailto:coryway@fas.harvard.edu).

**Teaching Fellows** | The Teaching Fellows (TFs) for the course are Gru Han ([gruhan@fas.harvard.edu](mailto:gruhan@fas.harvard.edu)) and Monica Bell ([monicabell@fas.harvard.edu](mailto:monicabell@fas.harvard.edu)). They are available to meet with students at any time by appointment and during office hours (sign up on iSite).

**Expectations** | Final grades (no pass/fail) consist of the following components: (1) three case studies (or two case studies and one multimedia project) (70%); (2) mid-term and late-term in-class exercises (15%); and (3) class participation in lectures and sections (15%). Students must pass each of these components in order to pass the course:

**Case Studies and Multimedia Projects**—A case study includes three components: (1) a detailed factual background section that raises (but does not resolve) several significant questions/dilemmas; (2) a follow up factual section explaining what subsequently occurred and how the questions/dilemmas were addressed; and (3) a final analytical section contextualizing the case study in light of course themes and theories, while substantively engaging and citing course readings. All students in the course agree that their case studies, if particularly strong and selected by course staff, may be circulated and discussed in class (but students may request to keep their authorship anonymous). Additional guidance regarding case studies is included at the end of this syllabus; the preparation of case studies will also be discussed in detail in class.

Every student will have the option of submitting a multimedia project in place of one of the case studies. The multimedia project must be accompanied by a 1,000 word essay contextualizing the

project, citing course readings, and engaging course themes and theories. Students choosing this option must present a version of their project (5 to 10 minutes) in one of the lecture meetings. Past examples have included short video documentaries, mock newspapers/magazines/journalistic broadcasts, etc.

The case studies—and the essays contextualizing multimedia projects—must be submitted on iSite (.doc format only; no .pdf or similar formats) and printed in hard copy format with two copies delivered to the Dean's Office of Kirkland House (further submission requirements will be provided in class). Large multimedia files should be delivered on a CD, DVD or flash drive.

Extensions will be provided only in extraordinary emergency situations, and late submissions will automatically receive a full-grade penalty (that is, for example, from an "A" to a "B") for each 24 hour period after the original deadline; however, no submission can be considered (and will therefore receive a failing grade) if submitted more than 48 hours after the original deadline.

**Mid-Term and Late-Term Exercises** | Closed-book, one-hour in-class exercises will be administered after Parts I and II of the syllabus. More information about the exercises will be discussed in class.

**Class Participation** | Successful students will contribute meaningfully and civilly while demonstrating a mastery of the readings and course themes. When lectures include guest speakers, students will be expected to pose thoughtful questions to these guests. Attendance at lectures and sections are required, and students will not pass the course with two or more unexcused absences. Excused absences will be handled on a case-by-case discretionary basis, and medical absences will generally require a UHS note.

**Academic Integrity** | The exchange of ideas are essential to academic exploration, and students are therefore encouraged to discuss the course material with classmates. However, all individual submissions must be entirely each student's own work. Students must always distinguish their own ideas and knowledge from information derived from other sources (which can include, but is not limited to, material published in print or online, as well as information gained from other people). Students who, for whatever reason, submit work either not their own or without clear attribution to sources will be subject to disciplinary action. Academic dishonesty in any part of the course will result in course failure and referral to the Administrative Board of Harvard College. Students who are in any doubt about academic integrity should consult the Harvard College *Student Handbook* and the teaching staff before any work is prepared and submitted. It is the student's responsibility to learn and properly understand all academic integrity policies and citation requirements.

**Course Readings** | Many readings will be available electronically through HOLLIS and the course website, but students may wish to purchase Freda Adler's eighth edition of *Criminology* (see syllabus below), from which a substantial number of readings are drawn (the Adler text is also on reserve at Harvard's Lamont Library).

**Syllabus** | The schedule of classes, readings and assignments (subject to change) is:

**Part I**  
**What is Crime?**  
**Theoretical and Empirical Inquiries**

**Week 1 | Class Introduction and Overview**

Wednesday, September 4

*Required Reading*

- Freda Adler, Gerhard Mueller and William Laufer (2012/2013) (8th ed), *Criminology*, Chapter 1, “The Changing Boundaries of Criminology” (pp. 3-23). New York: McGraw Hill.
- Mary Bosworth and Carolyn Hoyle (2011), “What is Criminology? An Introduction” (pp. 1-12), in Mary Bosworth and Carolyn Hoyle (eds), *What is Criminology?* Oxford: Oxford University Press.
- Drake Bennett (2010), “Why are Professors at Harvard, Duke and Middlebury Teaching Courses on David Simon’s *The Wire*?” *Slate Magazine*.

*Optional Readings*

- Francis T. Cullen (2005), “The Twelve People Who Saved Rehabilitation: How the Science of Criminology Made a Difference” (pp. 1-42). 43 *Criminology* 1.
- Clive Emsley (2007), Chapter 5, “Historical Perspectives on Crime” (pp. 122-138), in Mike Maguire, Rod Morgan and Robert Reiner (eds), *Oxford Handbook of Criminology* (4<sup>th</sup> ed). Oxford: Oxford University Press.

**Week 2 | Historical and Scientific Dimensions of Criminology**

Wednesday, September 11

*Required Readings*

- Adler et al., *Criminology*, Chapter 2, “Counting Crime and Measuring Criminal Behavior” (pp. 24-56).
- Lon Fuller, “The Case of the Speluncean Explorers,” 62 *Harvard Law Review* 616, 616-45 (1949).
- Lawrence Friedman (1993), *Crime and Punishment in American History*, Introduction (pp. 1-15); Chapter 1, “The Shape and Nature of the Law” (pp. 19-30); Chapter 2, “The Law of God and Man” (pp. 30-58). New York: Harper Collins, 1993.

*Optional Readings*

- David Downes and Paul Rock (1998), *Understanding Deviance: A Guide to the Sociology of Crime and Rule Breaking*, Chapter 2, “Sources of Knowledge About Deviance.” Oxford: Oxford University Press.
- Harvard Law Review Association, “The Case of the Speluncean Explorers: Revisited,” 112 *Harvard Law Review* 1876 (1999).
- Ian Loader and Richard Sparks (2011), “Criminology’s Public Roles: A Drama in Six Acts,” in Mary Bosworth and Carolyn Hoyle (eds) (2011), *What is Criminology*. Oxford: Oxford University Press.
- Robert Sampson (2004), “Networks and Neighbourhoods: The Implications of Connectivity for Thinking about Crime in the Modern City” (pp. 155-66), in Helen McCarthy, Paul Miller and Paul Skidmore, *Network Logic: Who Governs in an Interconnected World?* London: Demos.  
<http://www.demos.co.uk/files/networklogic.pdf>
- James Q. Wilson and Richard Herrnstein (1985), *Crime and Human Nature: The Definitive Study of the Causes of Crime*, Chapter 1, “Crime and its Explanation” (pp. 19-40); and Chapter 2, “A Theory of Criminal Behavior” (pp. 41-43, 61-66). New York: The Free Press.

### **Week 3 | Sociological Theories of Crime**

Wednesday, September 18

#### *Required Readings*

- Adler et al., *Criminology*, Chapter 3, “Schools of Thought Throughout History” (pp. 57-76); Chapter 9, “Theories of Crime, Place and Victimization” (pp. 205-26).
- John Braithwaite (1989), *Crime, Shame & Reintegration*, Chapter 2, “The Dominant Theoretical Traditions: Labeling, Subcultural, Control, Opportunity and Learning Theories” (pp. 16-43), and Chapter 3, “Facts a Theory of Crime Ought to Fit” (pp. 44-53). Cambridge: Cambridge University Press.
- Paul Rock (2007), Chapter 1, “Sociological Theories of Crime” (pp. 3-43), in Mike Maguire, Rod Morgan and Robert Reiner (eds), *Oxford Handbook of Criminology* (4th ed). Oxford: Oxford University Press.

#### *Optional Readings*

- Adler et al., *Criminology*, Chapter 5, “Strain and Cultural Deviance Theories” (pp. 109-36); Chapter 7, “Social Control Theory” (pp. 164-83).
- Ronald Clark and Marcus Felson (1993), “Introduction: Criminology, Routine Activity and Rational Choice,” in Clarke and Felson (eds), *Routine Activity and Rational Choice*. Piscataway: Transaction Publishers.
- Francis Cullen and Pamela Wilcox (eds) (2012), *Oxford Handbook of Criminology Theory*. Oxford: Oxford University Press.
- David Garland (1999), “The New Criminologies of Everyday Life: Routine Activity Theory in Historical and Social Context” (pp. 215-24), in A. von Hirsch, D. Garland and A. Wakefield (eds), *Ethical and Social Perspectives on Situational Crime Prevention*. Oxford: Hart Publishing.
- George Kelling and Catherine Coles (1996), *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (pp. 236-60). New York: Touchstone.
- Leon Radzinowicz (1966), *Ideology and Crime*, Chapters 3, “Towards a Pragmatic Solution I” (pp. 60-100) and Chapter 4, “Towards a Pragmatic Solution II” (pp. 101-28). New York: Columbia University Press.
- Jeffrey Snipes, Thomas Bernard and George Vold (2002), *Theoretical Criminology*. Oxford: Oxford University Press.

### **Topic Due for First Case Study/Multimedia Project**

Monday, September 23, at noon

Please send your case study/multimedia project topic to your TF by noon today.

### **Week 4 | Shame, Reparation, Rehabilitation and Retribution**

Wednesday, September 25

#### *Required Readings*

- Andrew Ashworth (1993), “Some Doubts About Restorative Justice,” 4 *Criminal Law Forum* 277.
- Mike Reynolds and John Kramer (1999), “Is the ‘Three Strikes and You’re Out’ a Useful Sentencing Policy?” (pp. 240-58), in John Fuller and Eric Hickey (eds), *Controversial Issues in Criminology*. Boston: Allyn & Bacon.
- Diane McWhorter (2013), “Civil Rights Justice on the Cheap,” *New York Times*, September 14.
- New York Times Editorial Board, “Birmingham Sunday,” *New York Times*, September 14.

James Whitman (1998), "What is Wrong with Inflicting Shame Sanctions?" 107 *Yale Law Journal* 1055, 1055-92.

Lucia Zedner (1994), "Reparation and Retribution: Are They Reconcilable?" 57 *Modern Law Review* 228, 228-50.

#### *Optional Readings*

Anthony Bottoms, Loraine Gelsthorpe and Sue Rex (2001), *Community Penalties: Change and Challenges*. Cullompton, Devon: Willan Publishing.

John Braithwaite (1999), "Restorative Justice: Assessing Optimistic and Pessimistic Accounts," in Michael Tonry (ed), [1991] *Crime and Justice* 1.

H.L.A. Hart (1970), *Punishment and Responsibility: Essays in the Philosophy of Law*. Oxford: Clarendon Press.

Clive Hollin (2007), Chapter 2, "Criminological Psychology," in Mike Maguire, Rod Morgan and Robert Reiner (eds), *Oxford Handbook of Criminology* (4th ed). Oxford: Oxford University Press.

Barbara Hudson (1998), "Restorative Justice: The Challenge of Sexual and Racial Violence," 25 *Journal of Law and Society* 237.

Gerry Johnstone (2002), *Restorative Justice: Ideas, Values, Debates*. Cullompton, Devon: Willan Publishing.

Andrew von Hirsch (1986), *Past or Future Crimes: Deservedness and Dangerousness in the Sentencing of Criminals*. Manchester: Manchester University Press.

Andrew von Hirsch and Andrew Ashworth (eds) (1998), *Principled Sentencing*. Oxford: Hart Publishing.

Michael Tonry (ed), *Retributivism Has a Past: Has it a Future?* Oxford: Oxford University Press.

Nigel Walker (1991), *Why Punish?* Oxford: Oxford University Press.

Mark Walters and Carolyn Hoyle (2010), "Healing Harms and Engendering Tolerance: The Promise of Restorative Justice for Hate Crime" (pp. 228-48), in Neil Chakraborti (ed), *Hate Crime: Concepts, Policy, Future Directions*. Cullompton, Devon: Willan.

Mark White (2011), *Retributivism*. Oxford: Oxford University Press.

Arthur Wint and Duane Ruth-Heffelbower (1999), "Are Restorative Justice Processes Too Lenient Toward Offenders?" (pp. 167-85), in John Fuller and Eric Hickey (eds), *Controversial Issues in Criminology*. Boston: Allyn & Bacon.

### **First Case Study/Multimedia Project Due**

*Monday, September 30, at noon*

Case studies—and the essays contextualizing multimedia projects—must be submitted on iSite (.doc format only; no .pdf or similar formats) by noon and printed in hard copy format with two copies delivered to the Dean's Office of Kirkland House by 2pm. Large multimedia files should be delivered on a CD, DVD or flash drive.

### **Week 5 | Changing Dimensions of Crime and Criminal Justice**

*Wednesday, October 2*

#### *Required Readings*

Adler et al., *Criminology*, Chapter 12, "White Collar and Corporate Crime" (pp. 309-38); Chapter 13, "Public Order Crimes" (pp. 339-65).

Andy Aitchison (2010), "Genocide and 'Ethnic Cleansing'" (pp. 762-84), in Fiona Brookman, Mike Maguire, Harriet Pierpoint and Trevor Bennett (eds), *Handbook of Crime*. Cullompton, Devon: Willan Publishing.

- Patricia Kirby and Toni DuPont-Morales (1999), "Multicide: Does Society Need the 'Supersizing' of Murder?" (pp. 35-50), in John Fuller and Eric Hickey (eds), *Controversial Issues in Criminology*. Boston: Allyn & Bacon.
- Samuel C. McQuade (2009), "Cybercrime" (pp. 475-98), in Michael Tonry (ed), *The Oxford Handbook of Crime and Public Policy*. Oxford: Oxford University Press.
- Edwin Sutherland (1940), "White-Collar Criminality," 5 *American Sociological Review* 1, 1-12.

*Optional Readings*

- Adler et al., *Criminology*, Chapter 10, "Violent Crimes" (pp. 229-80); Chapter 11, "Crimes Against Property" (pp. 281-308).
- Alex Bellamy (2012), *Massacres and Morality: Mass Atrocities in an Age of Civilian Immunity*. Oxford: Oxford University Press.
- Susan Bremner (2010), *Cybercrime: Criminal Threats from Cyberspace*, Chapter 3, "Three Categories of Cybercrime," and Chapter 8, "Cyber-Law and Order: Investigating and Prosecuting Cybercrime." New York: Praeger.
- Neil Chakraborti (ed) (2010), *Hate Crime: Concepts, Policy, Future Directions*. Collompton, Devon: Wilan.
- Hazel Croall (1992), *White Collar Crime*. Buckingham: Open University Press.
- Laura Dugan (2009), "Terrorism" (pp. 428-54), in Michael Tonry (ed), *The Oxford Handbook of Crime and Public Policy*. Oxford: Oxford University Press.
- Valerie Jenness (2009), "Hate Crimes" (pp. 524-46), in Michael Tonry (ed), *The Oxford Handbook of Crime and Public Policy*. Oxford: Oxford University Press.
- Tim Jordan (2004), *Hactivism and Cyberwars: Rebels with a Cause*. London: Routledge.
- Neal Shover and John Paul Wright (eds) (2001), *Crimes of Privilege: Readings in White Collar Crime*. Oxford: Oxford University Press.
- A. J. G. Tjinhuis (2009), "Trafficking in Cultural Artifacts" (pp. 454-74), in Michael Tonry (ed), *The Oxford Handbook of Crime and Public Policy*. Oxford: Oxford University Press.
- Douglas Thomas and Brian Loader (2000), *Cybercrime: Security and Surveillance in the Information Age*. London: Routledge.
- Peter Cleary Yeager & Sally Simpson (2009), "Environmental Crime" (pp. 325-55), in Michael Tonry (ed), *The Oxford Handbook of Crime and Public Policy*. Oxford: Oxford University Press.

**First Case Study/Multimedia Project Resubmission Deadline**

*Monday, October 7*

If you wish to revise and resubmit your first case study, it must be submitted on iSite (.doc format only; no .pdf or similar formats) by noon and printed in hard copy format with two copies delivered to the Dean's Office of Kirkland House by 2pm.

**Week 6 | First Midterm Exercise, Case Studies and Multimedia Presentations**

*Wednesday, October 9*

**Part II**  
**Process and Players in**  
**the Criminal Justice System**

**Week 7 | Crime, Police and the State**

Wednesday, October 16

Required Readings

- Adler et al., *Criminology*, Chapter 15, "Process and Decisions" (pp. 375-406); Chapter 16, "Enforcing the Law: Practice and Research" (pp. 407-41).
- Craig Fraser and William Norton (1999), "Is the 'Broken Windows' Theory an Effective Way to Reduce Crime?" (pp. 186-98), in John Fuller and Eric Hickey (eds), *Controversial Issues in Criminology*. Boston: Allyn & Bacon.
- David Garland (2001), *Culture and Control*, Chapter 7, "The New Culture of Crime Control." Oxford: Oxford University Press.
- James Q. Wilson and George Kelling (1982), "Broken Windows: The Police and Neighborhood Safety," *The Atlantic*, March 1982. [www.theatlantic.com/politics/crime/windows.htm](http://www.theatlantic.com/politics/crime/windows.htm)

Optional Readings

- Adler et al., *Criminology*, Chapter 18, "Research Focus on Corrections."
- Gina Barton (2011), "Both Sides of the Law" Article Series, *Milwaukee Journal Sentinel* [see also online graphics at: <http://www.jsonline.com/watchdog/131554703.html>].
- Alfred Blumstein (2002), "Prisons: A Policy Challenge," in James Q. Wilson and Joan Petersilia, *Crime: Public Policies for Crime Control*. Oakland: ICS Press.
- Anthony Braga and David Weisburd (2006), "Problem-Oriented Policing: The Disconnect Between Principles and Practice," in David Weisburd and Anthony Braga, *Police Innovation: Contrasting Perspectives*. New York: Cambridge University Press.
- Nils Christie (1995), "Crime Control as a Product," in Susan Caffrey (ed), *The Sociology of Crime and Deviance: Selected Issues*. Greenwich: Greenwich University Press.
- Keith Hayward (2004), *City Limits: Crime, Consumerism and the Urban Experience*. London: Cavendish.
- Wayne Morrison (2004), *Criminology & Civilisation*. London: Cavendish.
- Paul Moyle (2001), "Separating the Allocation of Punishment from its Administration," 41 *British Journal of Criminology* 77.
- Hanna Rosin (2007), "American Murder Mystery," *The Atlantic*.  
[www.theatlantic.com/doc/200807/memphis-crime](http://www.theatlantic.com/doc/200807/memphis-crime)
- James Q. Wilson (1968), "Dilemmas of Police Administration," 28 *Public Administration Review* 407.
- Franklin Zimring (2011), *The City that Became Safe: New York's Lessons for Urban Crime and its Control*. Oxford: Oxford University Press.

**Topic Due for Second Case Study/Multimedia Project**

Monday, October 21

Please send your case study/multimedia project topic to your TF by noon today.

## Week 8 | Crime, Courts and Lawyers

Wednesday, October 23

### Required Readings

- Adler et al., *Criminology*, Chapter 17, “The Nature and Functioning of Courts” (pp. 457-74).
- Lani Breuer (2011), Address of the U.S. Assistant Attorney General to the National District Attorneys Association Summer Conference, July 20, 2011.  
<http://www.justice.gov/criminal/pr/speeches/2011/crm-speech-110720.html>
- Alan Dershowitz (2011), “The System Worked,” *Wall Street Journal*.  
<http://online.wsj.com/article/SB10001424052702303544604576429783247016492.html>
- (1996), *Reasonable Doubts: The O.J. Simpson Case and the Criminal Justice System*, Chapter 2, “Is the Criminal Trial a Search for Truth?” (pp. 34-48); Chapter 8 (pp. 157-81). New York: Simon & Schuster.
- (1982), *The Best Defense*, Introduction, pp. xiii-xxii. New York: Random House.
- (nd), “Confessing a Client’s Guilt—Without His Permission!”
- Brian Forst (2002), “Prosecution” (pp. 509-36), in James Q. Wilson and Joan Petersilia, *Crime: Public Policies for Crime Control*. Oakland: ICS Press.
- William Stuntz (2006), “*Bordenkircher v. Hayes*: Plea Bargaining and the Decline of the Rule of Law” (pp. 351-79), in Carol Steiker & Pamela Karlan (eds), *Criminal Procedure Stories*. New York: Foundation Press.

### Optional Readings

- Dan Amira (2012), “Was Levi Aron’s Defense Attorney Wrong for Quitting?” *New York Magazine Daily Intel Blog*. [http://nymag.com/daily/intel/2011/07/was\\_levi\\_arons\\_defense\\_attorne.html?mid=375664](http://nymag.com/daily/intel/2011/07/was_levi_arons_defense_attorne.html?mid=375664)
- Dan Bilefsky, “A Revenge Plot So Intricate, the Prosecutors Were Pawns,” *New York Times*, July 25, 2011. <http://www.nytimes.com/2011/07/26/nyregion/a-revenge-plot-so-intricate-the-prosecutors-were-pawns.html?pagewanted=all>
- Barbara Boland (1996), “What is Community Prosecution?” 231 *National Institute of Justice Journal* 35.
- Scott Greenfield (2011), “Quitter,” *Simple Justice: A New York Criminal Defense Blog*.  
<http://blog.simplejustice.us/2011/07/22/quitter.aspx?ref=rss>

## Second Case Study/Multimedia Project Due

Monday, October 28

Case studies—and the essays contextualizing multimedia projects—must be submitted on iSite (.doc format only; no .pdf or similar formats) by noon and printed in hard copy format with two copies delivered to the Dean’s Office of Kirkland House by 2pm. Large multimedia files should be delivered on a CD, DVD or flash drive.

## Week 9 | Crime, Offenders and Victims

Wednesday, October 30

### Required Readings

- Roger Cardinal, Forward, pp. xiv-xxi, in Phyllis Kornfeld (1997), *Cellblock Visions: Prison Art in America*. Princeton: Princeton University Press.
- Carolyn Hoyle and Lucia Zedner (2007), Chapter 15, “Victims, Victimization and Criminal Justice” (pp. 461-95), in Mike Maguire, Rod Morgan and Robert Reiner (eds), *Oxford Handbook of Criminology* (4th ed). Oxford: Oxford University Press.



- Phyllis Kornfeld (1997), *Cellblock Visions: Prison Art in America*, Introduction (pp. 3-8); Chapter 1, "The Penitentiary as Art Studio" (pp. 9-24). Princeton: Princeton University Press.
- Kristen Lombardi (2010), "A Lack of Consequences for Sexual Assault: Students Found 'Responsible' Face Modest Penalties, While Victims are Traumatized," February 24, 2010, Center for Public Integrity. [http://www.publicintegrity.org/investigations/campus\\_assault/articles/entry/1945/](http://www.publicintegrity.org/investigations/campus_assault/articles/entry/1945/)
- (2009), "Sexual Assault on Campus Shrouded in Secrecy: High Rates of Rape, Closed Hearings, and Confusing Laws," Center for Public Integrity, December 1, 2009. [http://www.publicintegrity.org/investigations/campus\\_assault/articles/entry/1838/](http://www.publicintegrity.org/investigations/campus_assault/articles/entry/1838/)
- [http://www.bostonphoenix.com/boston/news\\_features/top/features/documents/00882888.htm](http://www.bostonphoenix.com/boston/news_features/top/features/documents/00882888.htm)
- Michael Orbach (2011), "Unmolested," *Tablet Magazine*, August 11, 2011. <http://www.tabletmag.com/news-and-politics/74033/unmolested/>
- Bruce Western (2006), *Punishment and Inequality in America*, Introduction and Chapter 3, "The Politics and Economics of Punitive Criminal Justice" (pp. 1-8, 52-81). New York: Sage.

### Optional Readings

- Anderson, Elijah (1994), "The Code of the Streets," *Atlantic Monthly*. <http://www.theatlantic.com/magazine/archive/1994/05/the-code-of-the-streets/6601/>
- Terry Baumer (1979), "Research on Fear of Crime in the United States," 3 *Victimology* 254.
- Cooley, Robert (2004), *When Corruption Was King*, Introduction (pp. v-xiii). New York: Carroll & Graf.
- Robert Elias (1993), *Victims Still: The Political Manipulation of Crime Victims*. London: Sage.
- Edna Erez (2000), "Integrating a Victim Perspective in Criminal Justice Through Victim Impact Statements," in Adam Crawford and Jo Goodey (eds), *Integrating a Victim Perspective within Criminal Justice: International Debates*. Aldershot: Ashgate Dartmouth.
- Bonnie Fisher and Andrew Wilkes (2003), "A Tale of Two Ivory Towers: A Comparative Analysis of Victimization Rates and Risks between University Students in the United States and England," 43 *British Journal of Criminology* 526.
- Carolyn Hoyle and Richard Young (eds) (2002), *New Visions of Crime Victims*. Oxford: Hart Publishing.
- Lane Kenworthy (2007), Review of Bruce Western's *Punishment and Inequality*, *Socio-Economic Review* (pp. 1-16).
- Steven Levitt and Stephen Dubner (2005), *Freakonomics*, Chapter 3, "Why Do Drug Dealers Still Live with their Moms?" New York: Harper Collins.
- Kristen Lombardi (2006), "Silence of the Lam," *Village Voice*, March 23, 2001. <http://www.villagevoice.com/2006-07-18/news/silence-of-the-lam/>
- (2001), "Cardinal Sin: Sex-Abuse Victims of Former Priest John Geoghan Charge That Cardinal Bernard Law Was Told of Geoghan's Criminal Activity as Early as 1984 But Did Nothing to Stop it—Now They Want to Know Why," *Boston Phoenix*, March 23, 2001. [http://www.bostonphoenix.com/boston/news\\_features/top/features/documents/00882888.htm](http://www.bostonphoenix.com/boston/news_features/top/features/documents/00882888.htm)
- Sanyika Shakur (1993), *Monster: An Autobiography of an LA Gang Member*, Chapter 3, "The War." New York: Penguin Books.
- Louise Shelley (2010), *Human Trafficking: A Global Perspective*, Introduction and Conclusion (pp. 1-33, 295-324). Cambridge: Cambridge University Press.
- Heather Strang (2004), *Repair or Revenge? Victims and Restorative Justice*. Oxford: Clarendon Press.
- Sandra Walklate (2004), *Gender, Crime and Criminal Justice*, Introduction and Chapter 1, "Criminology, Victimology and Feminism." Cullompton, Devon: Willan.

## Week 10 | Crime, Race and Gender

Wednesday, November 6

### Required Readings

- Frank Hagan (2013), *Introduction to Criminology*, "Gender Differences in Criminality," pp. 64-65, and "Feminist Criminology," pp. 190-91. London: Sage.
- Bernard Harcourt (2006), "United States v. Brignoni-Ponce and United States v. Martinez-Fuerte: The Road to Racial Profiling" (pp. 315-49), in Carol Steiker & Pamela Karlan (eds), *Criminal Procedure Stories*. New York, Foundation Press.
- Frances Heidensohn (1995), "Understanding Female Criminality," in Susan Caffrey (ed), *The Sociology of Crime and Deviance: Selected Issues*. Greenwich: Greenwich University Press.
- Randall Kennedy (1997), *Race, Crime and the Law*, Chapter 1, "The Race Question in Criminal Law." New York: Vintage Books.

### Optional

- Adler et al., *Criminology*, Chapter 6, "The Formation of Subcultures" (pp. 137-63).
- Helen Benedict, *Virgin or Vamp: How the Press Covers Sex Crimes*. New York: Oxford University Press, 1992.
- Thomas Bonczar and Allen Beck (1997), "Lifetime Likelihood of Going to State or Federal Prison," U.S. Department of Justice Bureau of Justice Statistics Special Report.  
<http://bjs.ojp.usdoj.gov/content/pub/pdf/Llgsfp.pdf>
- Benjamin Bowling (1998), *Violent Racism: Victimization, Policing and Social Context*. Oxford: Oxford University Press.
- Meda Chesney-Lind & Lisa Pasko (eds) (2013), *Girls, Women and Crime*. Los Angeles: Sage.
- Dee Cook & Barbara Hudson (eds), *Racism and Criminology*. London: Sage.
- Jeanette Covington (2010), *Crime and Racial Constructions: Cultural Misinformation about African Americans in Media and Academia*. Plymouth: Lexington Books.
- Kathleen Daly and Michael Tonry (1997), "Gender, Race and Sentencing," in Michael Tonry (ed), *Crime and Justice: A Review of Research*, vol 22. London: University of Chicago Press.
- Michael Elliott (ed), *Female Sexual Abuse of Children*. Harlow, Essex: Longman, 1993.
- James Foreman, Jr (2012), "Racial Critiques of Mass Incarceration: Beyond the New Jim Crow," 87 *N.Y.U. L. Rev.* 101.
- Barbara Hudson (1993), "Racism and Criminology: Concepts and Controversies," pp. 1-27, in Dee Cook & Barbara Hudson (eds), *Racism and Criminology*. London: Sage.
- Drew Humphries (2009), *Women, Violence, and the Media*. Boston: Northeastern University Press.
- David Kennedy (2009), "Drugs, Race and Common Ground: Reflections on the High Point Intervention," 262 *National Institute of Justice Journal* 12. <http://www.nij.gov/journals/262/high-point-intervention.htm>
- Michael Klarman (2000), "The Racial Origins of Modern Criminal Procedure," 99 *Michigan Law Review* 48.
- Dick Lehr (2009), *The Fence: A Police Cover-Up Along Boston's Racial Divide*. New York: Harper.
- Neil Miller (2002), *Sex-Crime Panic: Journey to the Paranoid Heart of the 1950s*. Los Angeles: Alyson Books.
- John Paul Stevens (2011), Review of William Stuntz's *The Collapse of American Criminal Justice*, *New York Review of Books*, November 10, 2011. <http://www.nybooks.com/articles/archives/2011/nov/10/our-broken-system-criminal-justice/>
- William Stuntz (2011), "The Story of Emmet Till," pp. 206-8, in William Stuntz, *The Collapse of American Criminal Justice*. Cambridge: Harvard University Press.
- (2008), "Unequal Justice," 121 *Harvard Law Review* 1969.
- Bruce Western (2006), *Punishment and Inequality in America*. New York: Sage.

James Q. Wilson and Richard Herrnstein (1985), *Crime and Human Nature: The Definitive Study of the Causes of Crime*, Chapter 18, "Race and Crime." New York: The Free Press.

### **Topic Due for Third Case Study/Multimedia Project**

Monday, November 18

Please send your case study/multimedia project topic to your TF by noon today.

### **Week 11 | Crime, Politicians, the Media and the Public**

Wednesday, November 13

#### *Required Readings*

Stanley Cohen (1995), "Deviance and Moral Panics," in Susan Caffrey (ed), *The Sociology of Crime and Deviance: Selected Issues*. Greenwich: Greenwich University Press.

Elayne Rapping (2003), *Law and Justice as Seen on TV*, "Introduction." New York: New York University Press.

Julian Roberts and Loretta Stalans (1997), *Public Opinion, Crime and Criminal Justice*, Chapter 1, "Introduction and Overview: Crime in the Public Eye." Boulder: Westview Press.

Ray Surette (2011), *Media, Crime and Criminal Justice: Images, Realities and Policies*, Chapter 8, "The Media and Criminal Justice Policy" (pp. 180-199); Chapter 9, "Media and Crime and Justice in the Twenty-First Century" (pp. 200-18). Belmont, California: Thomson.

Cory Way (2013), "Selecting National Crime News in England and America" [publication draft].

#### *Optional Readings*

Andrew Ashworth and Michael Hough, "Sentencing and the Climate of Opinion," [1996] *Criminal Law Review* 776.

Gina Barton, "Both Sides of the Law" Article Series, *Milwaukee Journal Sentinel* (on iSite).

Sheila Brown (2003), *Crime and Law in Media Culture*. Philadelphia: Open University Press.

Cynthia Carter and C. Kay Weaver (2003), *Violence and the Media*. Philadelphia: Open University Press.

John Diedrich (2010), "Dangerous and Free" Article Series, *Milwaukee Journal Sentinel*.

<http://www.jsonline.com/blogs/news/dogged.html?tag=Dangerous+and+Free>

——— (2010), "Wiped Clean" Article Series, *Milwaukee Journal Sentinel*.

<http://www.jsonline.com/news/94182249.html>

——— (2009), "The Preacher's Mob" Article Series, *Milwaukee Journal Sentinel*.

<http://www.jsonline.com/news/crime/45228292.html> and

<http://www.jsonline.com/news/crime/45228302.html>

——— (2007), "Three Ex-Officers Guilty: Suspended Officer Acquitted in Federal Judge Case,"

*Milwaukee Journal Sentinel*, July 27, 2007. <http://www.jsonline.com/news/milwaukee/29464434.html>

——— (2006), "Charges Contrast with Officer's Public Image," *Milwaukee Journal Sentinel*, October 2,

2006. <http://www.jsonline.com/news/milwaukee/29174514.html>

Joseph Dominick et al. (1979), "Television Viewing and Fear of Victimization: Is the Relationship Causal?" *Journal of Personality and Social Psychology* 170.

Paul Mason (ed) (2003), *Criminal Visions: Media Representations of Crime and Justice*. Cullompton, Devon: Willan.

Angela McRobbie (1995), "Folk Devils Fight Back," in Susan Caffrey (ed), *The Sociology of Crime and Deviance: Selected Issues*. Greenwich: Greenwich University Press.

Robert Reiner (2007), Chapter 11, "Media Made Criminality: The Representations of Crime in the Mass Media" (pp. 302-340), in Mike Maguire, Rod Morgan and Robert Reiner (eds), *Oxford Handbook of Criminology* (4th ed). Oxford: Oxford University Press.

Richard Sparks (1997), *Television and the Drama of Crime*. Philadelphia: Open University Press.  
Peter Waddington (1995), "Mugging as a Moral Panic: A Question of Proportion," in Susan Caffrey (ed),  
*The Sociology of Crime and Deviance: Selected Issues*. Greenwich: Greenwich University Press.  
James Q. Wilson and Joan Petersilia (2011), *Crime and Public Policy*. Oxford: Oxford University Press.  
James Q. Wilson and Richard Herrnstein (1985), *Crime and Human Nature: The Definitive Study of the  
Causes of Crime* (New York: The Free Press), Chapter 13, "Television and the Mass Media."  
Lord Windlesham (1998), *Politics, Punishment, and Populism*. Oxford: Oxford University Press.

### **Week 12 | Second Midterm Exercise, Case Studies and Course Review**

*Wednesday, November 20*

### **Week 13 | Thanksgiving Holiday**

There are no Harvard College classes on Wednesday this week due to the Thanksgiving holiday.

### **Third Case Study/Multimedia Project Due**

*Monday, December 2*

Case studies—and the essays contextualizing multimedia projects—must be submitted on iSite (.doc format only; no .pdf or similar formats) by noon and printed in hard copy format with two copies delivered to the Dean's Office of Kirkland House by 2pm. Large multimedia files should be delivered on a CD, DVD or flash drive.

### **Week 14 | Multimedia Project Presentations and Course Conclusion**

*Wednesday, December 4*

For those submitting multimedia projects, you should be prepared to present for at least five minutes in class today.

### **Revised Multimedia Projects Due**

*Wednesday, December 11*

For those submitting multimedia projects, you may submit a revised version of your original submission by noon today. Large multimedia files should be delivered on a CD, DVD or flash drive to the Kirkland House Dean's Office by noon.

## **Past and Potential Guest Speakers**

**Daniel Ambrosini, Criminal Defence Attorney and Harvard Law School Fellow.** Prior to joining Harvard Law School's Program on the Legal Profession, Dr. Ambrosini earned a BA in Psychology (behavioral neuroscience/philosophy), an LLB/BCL in Common and Civil Law, respectively, and an MSc and PhD in Psychiatry from McGill University. During law school he was a founding member and Editor-in-Chief of the *McGill Journal of Law & Health*. His doctoral dissertation examined clinical, ethical, and legal aspects of psychiatric advance directives and the role of autonomy for individuals with mental illness. He is a licensed attorney with the Law Society of Upper Canada, where he completed national articles practicing criminal law in Quebec and Ontario.

**Monica Bell, Lawyer and Fellow in Harvard's Multidisciplinary Program on Inequality and Social Policy.** Ms. Bell is a Fellow in Harvard's Multidisciplinary Program on Inequality and Social Policy and a doctoral candidate in Harvard's Sociology Department. She conducts research on criminal justice, family law, welfare/housing policy, inequality and urban social organization. Before moving to academia, Ms. Bell was an Arthur Liman Public Interest Fellow at the Legal Aid Society of the District of Columbia. She has also served as a U.S. District Court Law Clerk and worked on numerous political campaigns. Ms. Bell is a graduate of Furman University where she was a Truman Scholar, University College Dublin (Ireland) where she was a Mitchell Scholar, and Yale Law School where she was president of Yale Law Women and a senior editor of *The Yale Law Journal*.

**Barak Cohen, Federal Prosecutor, U.S. Department of Justice.** Mr. Cohen is a federal prosecutor in the Department of Justice's Public Integrity Section, which prosecutes public-corruption offenses at local, state, and federal levels, and election crimes. Previously, he served in the Department's Child Exploitation and Obscenity Section, where he prosecuted offenses involving child sex trafficking and cyber-crimes relating to the sexual exploitation of children. Before joining the Department of Justice, Mr. Cohen was in private practice, where he focused primarily on white-collar criminal defense, including the representation of several high-profile criminal defendants. He holds a JD and MA (in National Security Studies) from Georgetown, and a bachelor's degree from the U.S. Military Academy at West Point. Prior to entering the legal profession, Mr. Cohen served as an infantry officer in the U.S. Army, where he graduated from the Army's Ranger School, deployed to the Middle East, and served in The Old Guard—the Army's presidential escort and ceremonial unit.

**Christine Cole, Executive Director, Program in Criminal Justice and Management, Harvard Kennedy School.** Ms. Cole is Executive Director of the Program in Criminal Justice Policy and Management. Across 20 years she has accumulated professional experiences in policing, institutional and community-based corrections, victim advocacy, community organizing and working as part of a prosecution team. Ms. Cole most recently worked at the Springfield (MA) Police Department as the Director of Business and Technology. She also served as the Chief of Staff at the Executive Office of Public Safety, which serves as the policy shop for law enforcement, corrections and homeland security in Massachusetts. Earlier she was the Director of Planning and Development at the Crime and Justice Institute, a 125 year old nonprofit agency in Boston that specializes in advancing criminal justice policy. Christine has also worked at the Lowell (MA) Police Department and the Middlesex District Attorney in Massachusetts. Ms. Cole has a Master in Public Administration from Harvard's Kennedy School of Government, a Master in Community and Social Psychology from the University of Massachusetts, and a Bachelor of Arts from Boston College in Special Education and Human Development.  
<http://www.hks.harvard.edu/programs/criminaljustice/people/faculty-staff/christine-m.-cole>

**Alan Dershowitz, Felix Frankfurter Professor of Law, Harvard Law School.** Professor Dershowitz has been called “the nation's most peripatetic civil liberties lawyer” and “the best-known

criminal lawyer in the world.” The New York Criminal Bar Association honored him for his “outstanding contribution as a scholar and dedicated defender of human rights.” Professor Dershowitz joined the Harvard Law School faculty at age 25 after graduating from Yale Law School, clerking for Judge David Bazelon and U.S. Supreme Court Justice Arthur Goldberg. He has published more than 100 articles in magazines and journals, and over 300 of his articles have appeared in syndication in 50 national daily newspapers. Professor Dershowitz is also the author of 27 fiction and non-fiction works with a worldwide audience. His most recent titles include *Rights From Wrong*, *The Case For Israel*, *The Case For Peace*, *Blasphemy: How the Religious Right is Hijacking the Declaration of Independence*, *Preemption: A Knife that Cuts Both Ways*, *Finding Jefferson – A Lost Letter, A Remarkable Discovery*, and *The First Amendment In An Age of Terrorism*, and *The Case For Moral Clarity: Israel, Hamas and Gaza*. In addition to his numerous law review articles and books about criminal and constitutional law, he has written, taught and lectured about history, philosophy, psychology, literature, mathematics, theology, music, sports—and even delicatessens. <http://www.alandershowitz.com/biography.php>

**John Diedrich, Crime Reporter, Milwaukee Journal Sentinel.** Mr. Diedrich has covered “cops and courts” in Milwaukee for seven years, most recently adding federal regulation to his reporting beat. Prior to joining the *Milwaukee Journal Sentinel* John covered the military in Colorado Springs, Colorado, traveling overseas several times, including as an embedded reporter in Iraq. Mr. Diedrich is married to Pulitzer Prize winning investigative reporter Raquel Rutledge (also at the *Milwaukee Journal Sentinel*) who was the 2012 Louis Stark Nieman Fellow at Harvard.

**Sean Driscoll, Former Police Officer, New York City Police Department (NYPD).** Mr. Driscoll is currently a third year student at Harvard Law School. After graduation, he will work as a Law Clerk for Judge Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit. Before attending law school, Mr. Driscoll served as a Police Officer with the New York City Police Department from 2006 to 2010. During that time, he was assigned as a patrol officer in Manhattan's 9th Precinct, as well as to the NYPD's Counterterrorism Bureau. Mr. Driscoll graduated first in his class from the NYPD Police Academy, earning the Mayor's Award for the highest academic and physical training average of over 1300 recruits. He holds a B.A. with highest honors from the University of Virginia, and is a native of New York City.

**Jo Ling Kent, NBC News Reporter (New York) and Former CNN Producer (Beijing).** Ms. Kent is a campaign embed reporter for NBC News, covering the 2012 U.S. presidential election. Until June 2011, she was one of two CNN producers covering greater China, producing breaking news and features on crime, the environment, North Korea, Liu Xiaobo's Nobel Peace Prize and President Obama's first China visit. Ms. Kent reported on air for Vancouver's 2010 Olympics, and previously covered the Beijing Olympics, Taiwan elections and Sichuan earthquake for ABC News. She was on the first-ever team of American TV journalists to broadcast live from Tibet's Potala Palace, for ABC's Good Morning America. Passionate about building grassroots US-China relations, she founded the Annual International Women's Day Benefit in 2006, funding mentorship programs for girls in both countries. Ms. Kent holds master degrees in international affairs from the London School of Economics and Peking University and a BA from Rice University in history, policy studies and Asian studies. Fluent in Mandarin, she is also a former U.S. Fulbright Fellow to China. Ms. Kent's reporting can be found at <http://twitter.com/joNBCNews> and [www.facebook.com/jolingkent](http://www.facebook.com/jolingkent).

**Michael Klarman, Kirkland & Ellis Professor of Law, Harvard Law School.** Professor Klarman specializes in the constitutional history of race and has authored numerous articles and books on the topic, including *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*, *Unfinished Business: Racial Equality in American History*, and *Brown v. Board of Education and the Civil Rights Movement*. Professor Klarman won the 2005 Bancroft Prize for *From Jim Crow to Civil Rights*, a book that explores the relationship between the U.S. Supreme Court and race relations between 1896 and 1954.

Prior to moving to Harvard, he was the James Monroe Distinguished Professor of Law at the University of Virginia. <http://www.law.harvard.edu/faculty/directory/index.html?id=577>

**Phyllis Kornfeld, Artist and Author of Cellblock Visions: Prison Art in America (Princeton University Press).** Ms. Kornfeld has three decades' experience working with incarcerated men and women around the country and is the author of *Cellblock Visions: Prison Art in America*, by Princeton University Press. She has curated exhibitions and lectured at Brown, Georgetown, and Washington Universities, the Pratt Art Institute and a Harvard University conference on the education of prisoners. Ms. Kornfeld has also lectured at Cornell, Rice, Michigan and Carnegie Mellon, as well as the American Folk Art Museum in New York, the Art Institute of Chicago, the National Conference of Criminal Justice Sciences, and the University of Virginia Law School, among many other venues. The most recent exhibition of "Cellblock Visions: Prison Art in America," was in Canada at the Acadia University Art Gallery in Nova Scotia. <http://www.cellblockvisions.com/about.html>

**Kristen Lombardi, Center for Public Integrity Reporter and Harvard Nieman Fellow.** Ms. Lombardi is an award-winning journalist whose investigation into campus rape won the Robert F. Kennedy Award and the Dart Award in 2011, as well as the Sigma Delta Chi Award for Public Service in 2010, among other recognitions. Before joining the Center for Public Integrity, she was a staff writer and investigative reporter at the *Village Voice*, where she reported on child sex abuse in New York's Hasidic community. Her investigative reports as a staff writer for the Boston Phoenix helped expose the Catholic Church sexual abuse scandal in Boston. Ms. Lombardi's reporting has been honored by the Investigative Reporters and Editors, the National Press Foundation, the Association of Health Care Journalists, the John B. Oakes Environmental Prize, and the Society of Environmental Journalists. Prior to her Harvard fellowship she also won a fellowship from the Dart Center for Journalism and Trauma at Columbia University for her coverage of child sexual abuse, and she remains active in the Dart Society. Ms. Lombardi graduated with high honors from the University of California at Berkeley and holds a master's degree in journalism from Boston University. <http://www.iwatchnews.org/authors/kristen-lombardi>

**Pavan Mamidi, Harvard Law School Fellow and Mediator/Consultant in India.** Dr. Mamidi is a former Assistant Professor from the Indian Institute of Management Bangalore, one of India's leading business and policy schools, and he has held visiting positions at MIT and the University of Michigan. Dr. Mamidi has taught courses on legal institutions and intellectual property for both students and government officials. His most recent research activity has involved field interviews with left-wing guerrillas in tribal villages to investigate criminal recruitment processes and inter-ethnic negotiation. He presently contributes to the mediation efforts between the Indian government and the rebels. Dr. Mamidi also has extensive professional experience providing consulting services to Indian and American firms. He holds a doctorate in Sociology from the University of Oxford, an LLM from Harvard Law School, and an undergraduate degree from Osmania University in Hyderabad, India. [http://www.law.harvard.edu/programs/plp/pages/research\\_fellows.php](http://www.law.harvard.edu/programs/plp/pages/research_fellows.php)

**Mike Materni, Italian Criminal Defense Attorney.** Materni received his LLB in 2006 and his JD in 2008 *summa cum laude* from the Catholic University of Milan, Italy. Upon graduation, he practiced as a criminal defense attorney in Milan for two years, working on high profile cases and writing briefs and memos addressed to both judges and prosecutors. During that time Materni also served as a Teaching Assistant for Business Criminal Law at the Faculty of Economics of the Catholic University of Milan. He also served as a researcher at the Federico Stella Research Center for Criminal Justice and Policy, working on a project aimed at reforming Italian medical malpractice law. In 2011, Materni earned his LLM from Harvard Law School, where he is currently studying for his SJD under Professor Alan Dershowitz. Materni's principal areas of expertise are criminal law, with emphases on criminal procedure, constitutional law, causation, and the intersection of harm, prediction and preemption.

**Scott Poulson-Bryant, Co-Founder of VIBE Magazine and Award-Winning Author.** Scott Poulson-Bryant is a co-founding editor of *VIBE* magazine and an award-winning journalist and author. Prior to launching *VIBE*, he wrote for *SPIN* and *GIANT* magazines, and served as a panelist on VHI's *Four on the Floor* television program. Mr. Poulson-Bryant has published several books, as well as numerous articles in the *New York Times*, *Village Voice*, *Rolling Stone*, *Ebony*, *Essence*, and *SPIN*, among other publications. In addition to interviewing many celebrities (Prince, Eminem, Mike Tyson, Janet Jackson, Will Smith, Chloë Sevigny, Beyoncé, among others), Mr. Poulson-Bryant has examined and written about the criminal dimensions of rap culture.

**Diane McWhorter, Pulitzer Prize Winning Author of Narrative Nonfiction.** McWhorter's first book, *Carry Me Home: Birmingham, Alabama, the Climactic Battle of the Civil Rights Revolution* (Simon & Schuster, 2001), chronicled the civil rights revolution in her hometown of Birmingham and earned her the Pulitzer Prize (general nonfiction) and the J. Anthony Lukas Book Prize in 2002. *Carry Me Home* has been described as "the *War and Peace* of the civil rights movement" (*People* magazine) and as one of the best 100 nonfiction books published since 1923 (*Time* magazine). She is also the author of *A Dream of Freedom: The Civil Rights Movement from 1954 to 1968* (Scholastic, 2004). McWhorter has written for *The New York Times*, *Slate*, *USA TODAY*, *American Scholar*, *Boston Magazine* (where she was managing editor), *Harper's Magazine*, *Legal Affairs*, *the Nation*, and *Smithsonian Magazine*, among many other publications. From 2011 to 2012 she was a Fellow at Harvard's Radcliffe Institute for Advanced Study. She is a member of the Society of American Historians and has been a Guggenheim Fellow, a Holtzbrinck Fellow at the American Academy in Berlin, and a resident scholar at the Rockefeller Foundation Bellagio Center. McWhorter is a graduate of Wellesley College.

**Barry Miller, Harvard University Counsel and Former Assistant United States Attorney.** Mr. Miller received a BA cum laude and with History Department distinction at Yale College, and a JD magna cum laude from Harvard Law School, where he was a Senior Editor of the *Civil Rights-Civil Liberties Law Review*. Following law school, he clerked for the Honorable Nicholas J. Bua in US District Court in Chicago, then served as a Trial Attorney in the Civil Rights Division of the US Department of Justice in Washington, DC. Mr. Miller practiced civil litigation for 18 years at the Chicago firm now known as Miller Shakman & Beem. Prior to joining Harvard's Office of the General Counsel, Barry was an Assistant US Attorney in Chicago for ten years, where he prosecuted corruption and fraud cases. [http://www.ogc.harvard.edu/about/face\\_book.php](http://www.ogc.harvard.edu/about/face_book.php)

**Erik Ramanathan, Executive Director of the Harvard Law School Program on the Legal Profession and Former General Counsel of ImClone Systems.** Prior to joining Harvard's Program on the Legal Profession, the leading think tank on the evolving global legal profession, Mr. Ramanathan served as Senior Vice President, General Counsel, Secretary & Chief Compliance Officer of ImClone Systems, a large-cap public biotechnology firm with novel oncology therapeutics. He was tapped as General Counsel of this \$6 billion enterprise (with eight in-house lawyers and a \$20 million legal budget) as an openly gay 33-year old, and his tenure included enormous successes along with well-publicized legal, regulatory and governance challenges. Mr. Ramanathan gained unique managerial and legal insights through negotiating the then-largest commercial biotechnology deal of all time, launching one of the world's most successful oncology drug franchises, and managing insider trading investigations, shareholder litigation, federal lawsuits, and inquires from the Securities & Exchange Commission and Congress. <http://www.law.harvard.edu/programs/plp/pages/director.php>

**Carol Steiker, Henry J. Friendly Professor of Law, Harvard Law School.** Professor Steiker's primary interest is the broad field of criminal justice, where her work ranges from substantive criminal law to criminal procedure to institutional design, with a special focus on issues related to capital punishment. She has served on the board of Editors of the *Encyclopedia of Crime and Justice* (2nd ed.



Macmillan, 2002), and is currently the editor of *Criminal Procedure Stories* (Foundation 2006) and co-author of the Kadish, Schulhofer & Steiker casebook, *Criminal Law and Its Processes* (8th ed. Aspen 2007). Recent publications address topics such as the relationship of criminal justice scholarship to law reform, the role of mercy in the institutions of criminal justice, and the likelihood of nationwide abolition of capital punishment. Professor Steiker is a graduate of Harvard-Radcliffe Colleges and Harvard Law School, where she served as president of the Harvard Law Review, the second woman to hold that position in its then 99-year history. After clerking for Judge J. Skelly Wright of the D.C. Circuit Court of Appeals and Justice Thurgood Marshall of the U.S. Supreme Court, she worked as a staff attorney for the Public Defender Service for the District of Columbia, where she represented indigent defendants at all stages of the criminal process. In addition to her scholarly work, Professor Steiker has worked on pro bono litigation projects on behalf of indigent criminal defendants, including death penalty cases in the United States Supreme Court. She has also served as a consultant and an expert witness on issues of criminal justice for non-profit organizations and has testified before Congress and the Massachusetts legislature. <http://www.law.harvard.edu/faculty/directory/index.html?id=71>

**Antonio Villaraigosa, 41st Mayor of the City of Los Angeles.** Mr. Villaraigosa served as Mayor of Los Angeles from July 1, 2005 to July 1, 2013. As Mayor, Mr. Villaraigosa oversaw the third-largest local law enforcement agency in the United States. While in office he proposed a Homeland Security and Emergency Preparedness initiative, as well as the creation of a Homeland Security Advisors board to examine counter-terrorism and emergency preparedness. During his term in office, Mr. Villaraigosa was named one of the nation's 25 most influential Latinos by *Time* magazine. Before his tenure as Mayor, Mr. Villaraigosa served as the Speaker of the California Assembly and as Majority Leader. Prior to public service, he served as President of the Los Angeles chapter of the American Civil Liberties Union and the American Federation of Government Employees. Mr. Villaraigosa holds a BA from UCLA and a JD from the Peoples College of Law.

**Michael Yoon, Assistant United States Attorney for the District of Massachusetts.** Mr. Yoon is a federal prosecutor in the Organized Crime Drug Enforcement Task Force (OCDETF) of the United States Attorney's Office for the District of Massachusetts. From March 2010 to September 2012, he was the Coordinator of the Project Safe Childhood for the U.S. Attorney's Office, overseeing federal child exploitation investigations and prosecutions for Massachusetts. Prior to joining the U.S. Attorney's Office, Mr. Yoon prosecuted child exploitation offenses with the U.S. Department of Justice's Child Exploitation & Obscenity Section (CEOS) in Washington, DC. A graduate of Boston University and Chicago-Kent College of Law, Mr. Yoon clerked for the Appellate Court of Illinois, and was an Assistant State's Attorney with the Cook County State's Attorney's Office in Illinois for seven years. <http://www.justice.gov/usao/ma/>

## Case Study Guidelines

### Purpose

Your assignment is to create a factual case study, written in the third person, concentrating on the perspective of a lawyer, journalist, victim, offender, prosecutor, defense attorney, public official, judge, business person, scholar, community advocate or any other interested person/organization in a scenario involving a crime/alleged crime/potential crime/etc (you may adopt more than one protagonist in your case study and present multiple dilemmas, if appropriate). Your case study should involve a real event and relate to course readings and themes as the class progresses. Please consult the syllabus for additional submission requirements and policies.

### Structure

Case studies should be written in the third person and consist of three parts, each of which should be two to four single-spaced pages:

#### **Part A—Dilemmas: What are the issues presented?**

What is your case about? What is the context? What are the relevant facts? Who are the players involved? Finally, and most importantly, what are the dilemmas, issues, and ethical questions faced by your protagonist(s)? You can choose whatever topic and time period you wish, but you must email the Teaching Fellow in advance for approval (the Teaching Fellow will provide initial guidance and also ensure that all students write on unique topics).

#### **Part B—Decisions: What actually happened?**

Out of the possible alternatives, what did the protagonist(s) choose? And what were the consequences—immediate, indirect and otherwise? How did the protagonist(s) feel about the decision(s)? How did others react?

#### **Part C—Discussion: What is your analysis/view?**

What is your analysis of the events and decisions? What were the policy, political and/or theoretical implications? You should assess and critique the actions of the protagonist(s)—and alternatives—in light of your own judgments, course readings and themes. Successful case studies will substantively engage relevant course scholarship and criminological theories.

### Style and Citation

Please use the Chicago Manual of Style ([http://www.chicagomanualofstyle.org/tools\\_citationguide.html](http://www.chicagomanualofstyle.org/tools_citationguide.html)) for citation format and style. Students should use footnotes for all citations (no bibliography or “works cited” pages). Parts A, B and C should be submitted as separate documents, and full citations should therefore be used at the beginning of Parts A, B and C when any reference is first introduced in that document. Please refer to the case study example provided in class (and/or on iSite) for general formatting and citation guidance.

### Topics

Your case study must involve real people and real events. Some examples are listed below. Please note these are quick summaries with only one issue presented for one protagonist—your case studies should involve several challenging dilemmas and may include the perspectives and problems of several protagonists.

- **Jacksonville, FL, April 2013—Florida State Attorney Angela Corey**, facing pressure from the Department of Justice, numerous nongovernmental organizations, and the public, must decide whether to charge George Zimmerman with aggravated (“first-degree”) murder, intentional and premeditated (“second-degree” murder), manslaughter, some other crime, or with no crime in the shooting death of Trayvon Martin;
- **Oklahoma City, OK, September 2013—Oklahoma Governor Mary Fallin** is facing pressure from the governor of South Carolina to send Dusten Brown—the biological father of “Baby Veronica” from the recent Supreme Court case—to SC to face charges of “criminal custodial interference” (taking, concealing, or withholding a child), while the powerful Cherokee Nation in her state is contesting the SC charges in part because they believe that SC is trying to undermine Native American identity and self-determination;
- **Newton, MA, January 2013—Jason Triplett, Boston College Law School co-chair of the LGBT Coalition**, must decide how to respond after returning to campus from break to find the organization’s office walls covered with derogatory graffiti;
- **Norristown, PA, June 2012—Lakisha Briggs** is hesitant to call the police after her long-term boyfriend stabbed her in the neck with a broken ashtray; she fears that reporting the incident might cause her and her three-year-old daughter to be evicted from their apartment;
- **New York, NY, August 2013—U.S. District Judge Shira Scheindlin** must decide whether police officers have violated the constitution in applying New York City’s “stop-and-frisk” policy—which has received substantial media attention because of its disparate impact on African Americans and Latinos—and what kinds of reforms might improve policing under this policy;
- **Dardenne Prairie, MO, 2006—Mother Lori Drew**—suspecting that her 13 year-old daughter’s best friend, Megan Meier, is bullying her daughter on MySpace—creates a fake MySpace account and retaliates by pretending to be an 16 year-old boy interested in Megan;
- **Tallahassee, FL, 2011—Assistant State Attorney Jack Campbell** is contemplating whether to appear “tough on crime” by vigorously prosecuting Conor McBride, the boyfriend and confessed killer of 19-year-old Ann Grosmaire, or to heed the wishes of Ann’s parents who would prefer to have a restorative justice conference that could result in a lighter sentence for Conor;
- **Austin, TX, August 2012—The Texas Court for Criminal Appeals** deliberates whether to consider Marvin Wilson—a convicted murderer on death row who ran an elaborate drug ring, but who has a clinical IQ of 61—as “mentally retarded,” which would make carrying out the death sentence unconstitutional;
- **Washington, DC, July 2007—President George W. Bush** has been petitioned to pardon or commute the 30-month prison sentence of former Vice Presidential advisor I. Lewis “Scooter” Libby, who was convicted of obstruction of justice, perjury, and making false statements related to leaking classified about the identity of a covert CIA agent to the press;
- **Columbia, SC, February 2004—Ken Burkhart, agent with U.S. Immigration and Customs Enforcement**, received a tip from Mexican government officials that a 14 year-

old girl has been trafficked from Mexico to a pimp in the U.S. and is now living in a trailer park in South Carolina;

- **Berlin, Germany, 2007—German Federal Prosecutor Monika Harms** is concerned about a case that U.S. nongovernmental organizations brought under German law charging U.S. officials with war crimes related to Abu Ghraib;
- **Boston, MA, July 2013—Stacey Monahan, Commissioner of the Massachusetts Department of Transitional Assistance**, is frustrated that the federal government prosecutes individual food stamps recipients (often single mothers, for selling their benefits) while retailers who purchase the food stamps are unpunished;
- **Philadelphia, PA, 2003—Eli Lilly pharmaceutical sales representative Robert Rudolph** is disturbed that the company is marketing a drug approved for schizophrenia and bipolar disorder to doctors claiming that it is effective for elderly patients struggling with dementia and generalized anxiety;
- **Milwaukee, WI, October 1997—The Wisconsin Court of Appeals** is debating whether the incestuous, consensual relationship between Patricia and Allen Muth (adult brother and sister) is appropriate grounds for terminating custody of their shared children;
- **Washington, DC, December 2010—U.S. Congressman Bobby Scott** has several times unsuccessfully sponsored the Youth PROMISE Act (which would put more money into community programs that divert youth from criminal activity), and a powerful senator has promised to help pass PROMISE if it is merged with a bill that would lengthen prison sentences for gang-related crimes, creating a conflict for nonprofit organizations that support PROMISE but oppose longer gang sentences.

Above are just some examples; you can choose whatever topic and time period you wish, but you must email the Teaching Fellow in advance for approval (the Teaching Fellow will provide initial guidance and also ensure that all students write on unique topics).

Have fun and good luck!