



SSSP

# Pro Bono



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## Notes from the Chair

Our 2015 Annual Meeting of the Society for the Study of Social Problems “*Removing the Mask, Lifting the Veil; Race, Class and Gender in the 21<sup>st</sup> Century*” sees the society make it to Chicago after our society and the ASA moved our 2011 meetings to Las Vegas in order to demonstrate our support for Chicago Hotel Workers who were then on strike. Since that time, Chicago has remained near the center of controversy in numerous areas that are central to the questions we ask as socio-legal scholars. Take a trip to Haymarket and witness the place where May Day was born. Visit Jane Addams’ Hull House, see the Cook County Courthouse and the adjacent jail, tour Pilsen and Little Village to view gentrification and displacement in real time, visit Bronzeville or Pullman for just a portion of the Black History of Chicago – in fact, there are so many historic and contemporary places in Chicago that are central to our work that it is easy to get lost in the city and perhaps miss some of what looks to be a fantastic conference! Our division is sponsoring or co-sponsoring eleven sessions this year to include nearly 60 individual presentations! While we continue to sponsor widely popular sessions on Law, Sexuality, and Gender, Punishment and

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Culture, and Law and Violence the division is happy to be sponsoring sessions on some of today's most pressing social problems. There are some amazing papers being delivered and I encourage everyone to attend as many sessions as possible to support the work of the division and the work of our colleagues.

The Division is pleased to announce the winners of this year's awards. Our 2015 Lindesmith Award for the Best Graduate Student Paper in Law and Society scholarship goes to Alix Winter and Matthew Claire of Harvard University for their excellent work, "Jurors' Subjective Experiences of Deliberations: The Tangled Nature of Status Characteristics" which utilized data from a survey of 3,000 jurors to determine how jurors understood their participation levels in the jury room. Winter and Claire find that Hispanic and Black jurors, and particularly those with lower SES understand their participation as limited and insufficient within the jury room. With the vast disparities in our criminal justice system, ensuring that the marginalized are heard in the courtroom seems critical to the integrity of our legal systems.

Our 2015 William S. Chambliss Lifetime Achievement Award Winner is Dr. Richard S. Quinney, now Professor Emeritus at Northern Illinois University. Dr. Quinney is famous for his groundbreaking criminological work linking capitalism and crime. As a radical criminologist, his theoretical works articulate conflict criminology, Marxist Criminology and Peacemaking Criminology as foundational perspectives in the field. He is among the ten most cited authors in criminology and has won major awards from both the American Society of Criminology and the Western Society of Criminology. Dr. Quinney received his Ph.D. from the University of Wisconsin –Madison in 1957 and was subsequently granted tenure and then full professorship from New York University. Currently, he lives in Madison where he is the publisher of Borderland Books, a small arts and craft non-fiction press distributed by University of Wisconsin Press. We congratulate this year's award winners and hope that all of you can come by this year's award ceremony which will be held on Saturday August 22<sup>nd</sup>, from 630 to 715pm in the Atlantic Room D of the Radisson Blue Aqua in Chicago.

In addition to these awards I am pleased to announce the election of Annulla (Anna) Linders to Vice Chair of our Division. Anna is currently an Associate Professor of Sociology and an affiliate of the Department of Women, Gender, and Sexualities Studies at the University of Cincinnati. Anna is widely published in the areas of reproductive justice, gender, and medical sociology and will bring an amazing energy to the division that will allow the division to remain dynamic and boundary pushing in support of emerging scholarship. Let's all congratulate Anna and welcome her in this new role!

Last but not least I would like to thank Lloyd Klein for chairing the Lindesmith Award Committee and Steve Morewitz for chairing the Chambliss Award Committee. I would also be remiss if I did not take a moment to thank good friend and colleague, Lori Sexton for her fantastic work as co-chair over the last few years. Lori has worked diligently over the last two years to help create some of the dynamic sessions we will see this August. Please take the time to thank Lori, Steve, and Lloyd for their service to the Division. Let's keep the momentum going for 2016; if you have any ideas for panels for next year's meeting, please do come to our business meeting and get directly involved with the work of the division. Our division meeting will be held from 1030am to 1210pm on Saturday, August 22<sup>nd</sup> in room Atlantic C at the Radisson Blu Aqua Hotel in Chicago. Have your voice heard for the future of the Law and Society division of SSSP.

Personally, returning to Chicago is always powerful as I lived in Chicago for years, eventually receiving my BA in Sociology from DePaul University in 2010. If you have any questions about Chicago, feel free to ask! Here's one answer: if you want the Best Chicago Dog Ever, head up to the Wiener's Circle near Clark and Wrightwood. Not only will you have a great Chicago Dog, you'll see Sociology in action as well as race and gender play out in an infamous way. You have been warned! Here's to an amazing experience of learning, growth, exploration and collegiality in Chicago and to putting forth a creative agenda for our 2016 meeting in Seattle. Hope to see all of you in Chicago!

Jay Borchert  
Chair

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## Vice-Chair's Farewell

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Dear SSSP L&S division members,

I've had the great honor of serving as your Vice Chair for the past two years, and since I'm unable to attend the upcoming meeting in Chicago, I wanted to write a brief farewell. While working with Chairs Jay Borchert and Kim Richman, I've seen the L&S division grow in many exciting ways. We've sponsored incredible panels at the meetings in New York and San Francisco, and we have a great line-up for Chicago as well. We've honored existing members (students and senior scholars alike), welcomed new members to the division, and forged lasting connections with other SSSP divisions. These changes, and more, have allowed us to strengthen our presence and our impact within SSSP and beyond.

My vision for the future of the L&S division—a vision that I know Jay shares and is committed to fostering—is to continue to reinvigorate and reinvent ourselves as Law & Society becomes an ever more visible and ever more necessary way of understanding and addressing social problems. From police violence and social protest in Ferguson and Baltimore to same-sex marriage in the U.S. Supreme Court and voting booths in Ireland, sociolegal perspectives can help us make sense of the reciprocal relationship between law and society, and perhaps most importantly, guide us in effecting positive social change. To strengthen our ability to engage with—and in fact, shape—these conversations about social change, I'd like to issue a call to all those who read this newsletter: please stand up, get involved, and help the L&S division continue to grow. SSSP was born of a radical time, with a radical agenda. Now more than ever, we must stoke the fire of our scholarly and social commitments to creating justice and addressing social problems. There's no better way to do this than by engaging a passionate community of like-minded scholars whose work is a testament to the power of sociolegal change.

Our members are engaged in exciting and transformative research in the US and abroad, and bring to the division a wealth of insight and an eagerness to share it. Our newsletters have highlighted some of this research, and before I end today, I'd like to share a bit about my own research. Unfortunately, I won't be able to attend the meeting in Chicago, because I will be in Denmark collecting data for a collaborative examination of punishment with Keramet Reiter and Jennifer Sumner. We received NSF funding to study what we refer to as the recent bifurcation in Danish punishment—the widening of the gap between Denmark's traditionally humane punishment style (epitomized by the “open” prisons portrayed by U.S. news outlets as comfortable and even luxurious) and more recent punishment innovations that have imported US-style solitary confinement into the Danish context. Through interviews with key stakeholders in the design, siting, and operation of Denmark's newest “closed” (high security) prison, as well as interviews and focus groups with prisoners and staff in Denmark's open and closed prisons, we hope to trace the processes that deepened punishment bifurcation in Denmark and identify the effects of this bifurcation on Danish penalty as a whole. Even though this research is keeping me from participating in the Chicago meeting, I, as much as my research, will still be part of the ongoing L&S division conversations!

I look forward to engaging with all of you, at meetings and more, in the years to come.

Lori Sexton  
Vice-Chair

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# Winner of the 2015 Lindesmith Paper Competition

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*“Jurors’ Subjective Experiences of Deliberations: The Tangled Nature of Status Characteristics”*



Alix S. Winter is a Ph.D. candidate in Sociology and Social Policy at Harvard University and a doctoral fellow in the Harvard Kennedy School’s Multidisciplinary Program in Inequality and Social Policy. Her research seeks to understand the roles of institutions and gatekeepers in perpetuating racial and health inequalities. Alix received her BA from the University of Pennsylvania and then worked for two years as a Research Assistant at Columbia University studying the social determinants of the increased prevalence of autism over the past forty years.

Matthew Clair is a Ph.D. candidate in Harvard’s Department of Sociology and a National Science Foundation Graduate Research Fellow. His research considers the role of cultural meanings in shaping inequality, punishment, the law, and the production of art and literature. A graduate of Harvard College, Matthew taught in the Atlanta Public Schools system from 2009-2011. From 2011 to 2012, he was a Junior Research Scholar with Peter Blair Henry at New York University’s Stern School of Business.



## *Paper Abstract*

A considerable amount of research on juries considers how jury deliberations influence criminal defendants’ outcomes; however, comparatively little research has considered the outcomes of jurors themselves. Among studies that consider jurors’ outcomes, most have focused on objective outcomes such as participation rates. This paper, instead, considers whether jurors’ subjective experiences of jury deliberations vary by race, gender, or socioeconomic status. Namely, we draw on status characteristics theory to consider which jurors are less likely to feel they had enough time to express themselves during deliberations. Utilizing a unique survey dataset of over 3,000 real-world jurors, we find that blacks and Hispanics, and especially those of lower socioeconomic status, are less likely to feel they had enough time to express themselves during deliberations relative to whites. Our findings call attention to the importance of subjective assessments of interpersonal interaction, demonstrate the importance of the joint consideration of race and class, and have implications for the perceived legitimacy of the criminal justice system.



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## New Vice-Chair

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Annulla (Anna) Linders is an associate professor of sociology at the University of Cincinnati. She is thrilled to be part of the Law and Society group and looks forward to working with Jay Borchert, the rest of the leadership team, and the membership on issues relevant to the division. Her research sits at the intersection of history, culture, law, politics, and social protest. Using Sweden and the United States as comparative cases she has examined the ongoing interplay between law, politics and practice when it comes to contentious social issues such as capital punishment and abortion. She is particularly interested in processes of meaning construction and has used that vantage point to understand the role gender plays in the debate over capital punishment and organization of executions. She is currently at work on a book about capital punishment in the United States, with a focus on historically grounded contentions around the audience of executions. Beyond her own work, she is privileged to work with a number of brilliant PhD students pursuing fascinating projects that interrogate important social issues from the perspective of everyday life. She also edits the journal *Sociological Focus*, which is the official journal of the North Central Sociological Association. The journal has two special issues in the works that might be of interest to the Law and Society tribe; the first, which will be published early in 2016, is on black social movements and is guest-edited by Joyce Bell (who is in transition between the universities of Pittsburgh and Minnesota) and the second is on ethnography, race, power, and justice, and is guest-edited by Ramiro Martinez, Northeastern University, and Meghan Hollis, Michigan State University.

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## Book Review

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*The First Civil Right: How Liberals Built Prison America.* New York: Oxford University Press.

By Naomi Murakawa

Review by Rosa Greenbaum

Naomi Murakawa of the Center for African American Studies at Princeton University offers an incisive challenge to the commonly held belief that the post-World War II phenomenon of carceral expansion in the United States was solely a project of Republicans and what she terms “race conservatives.” She opens her story with the giddy celebration of the 2008 election of Barack Obama in Chicago’s Grant Park juxtaposed against the stark reality that African Americans made up a grossly disproportionate 70% of inmates held in the noxious conditions of the Cook County Jail. Obama’s victory, as the ultimate artifact of “post-racial triumphalism,” and proof of the vitality of American meritocracy, is actually a chimera. The “first civil right” to which Murakawa’s title refers, as first constructed by Truman Democrats, is the right to be free from lawless (white) violence in the form of vigilante justice, race riots and lynching. It is also the right to be free from (black) crime, as it was later repackaged by Nixon and his ideological allies and heirs. Democrats envisioned a professionalized and proceduralized criminal justice machine that could be made predictable, uniform, and thus cleansed of racism; however their conception of racism was a narrowly focused on individual acts and explicit animus. In Murakawa’s conception, Democratic civil rights and Republican law-and-order were not

polar forces pitting rehabilitation against retribution, but actually worked in concert to construct the “civil rights carceral state...crime policy and carceral expansion were not reactions against civil rights; they were the very progeny of civil rights as lawmakers defined them” (pp. 3-4).

Murakawa meticulously tracks the federal law making process back to the post-World War II period, when black veterans were being lynched and racial apartheid belied exceptionalist fantasies of the United States as democracy’s champion at home and abroad. In that era, demands for formal racial equality explicitly indicted this hypocrisy, and it was against this backdrop that Truman convened his President’s Committee on Civil Rights. According to Murakawa, the Committee’s report, *To Secure These Rights*, delineated two concepts that would be adopted by the Democratic Party in following decades: “first, prejudice engendered lawlessness, and, second, the criminal justice system can be purged of discrimination with greater federal leadership” (p. 40). In delineating their version of civil rights, the Committee included the right to safety on par with rights to citizenship, and specifically the right to be free of “*lawless violence and arbitrary arrest and punishment*” [emphasis added] (as cited in Murakawa, 2014, p. 41). Defining rights in this way legitimized state violence and made allowance for it without limit: “To be killed by private persons or a mob was cruel; to be imprisoned or killed through due process of law preserved the nation’s moral fabric” (p. 43). Under Eisenhower, civil rights bills of the late 1950s and early 1960s were opposed by Dixiecrats and other racists in Congress who claimed they provided unwarranted protection for black criminality and promoted by race liberals as a bulwark against the black crime that, in their view, sprang from inequality of opportunity and the psychological trauma engendered by second class status: “[f]ew challenged the focus on black criminality, even though it was white violence that prompted the legislation” (p. 60). At the same time, narcotics began receiving heightened attention from lawmakers who constructed addiction as a northern problem of the ‘colored, Negro class’ (p. 65). As the crime control apparatus expanded, Democrats’ vision of a modernized, racially fair system was “easily subverted toward repressive ends” (pp. 66-67). These elements would later coalesce into a national program of mass incarceration.

Murakawa’s narrative continues through the early 1960s civil rights movement into even more contentious territory. By 1968, crime rates were on the rise, although perhaps not as much as they appeared, and race conservatives were especially concerned with the urban uprisings that they barely distinguished from broader civil rights activism. Race liberals were more sympathetic, seeing black crime as a product of the psychic scars of racism that could be cured by extending civil rights protections in multiple arenas, including the administration of criminal justice. These perspectives differed, but both equated crime with blackness and both militated toward a massive expansion of the carceral state. Both sides decried the rising violent unrest over the war and urban discontent. For Johnson and his advisers, the Omnibus Crime Control and Safe Streets Act (OCCSSA) was of a piece with other Great Society programs designed to improve social welfare and decrease crime, many of which were similarly beholden to blinkered notions of black pathology. When first introduced in 1967, the OCCSSA included protections for civil liberties, promoted rehabilitation in corrections, and stressed, however vaguely, the need to improve police-community relations. Such provisions garnered support for the bill from many liberal groups and even the American Civil Liberties Union. But in contrast to Great Society programs geared toward housing and employment, the OCCSSA was easily hijacked by criminal justice hardliners who used the amendment process to relocate control of vast material aid for law enforcement from the local to the state level (thereby disempowering cities) in the form of block grants. Due process protections were inverted, leaving the admissibility of confessions and prosecutorial requests to conduct wiretapping to the discretion of elected judges. Lionized liberal Attorney General Ramsey Clark declared his satisfaction, but from this point forward, regressive state governments drew on these substantial federal supports to fund huge expansions in the numbers of law enforcement officers and prison beds. On a more symbolic level, the OCCSSA communicated that the perceived lenience that had come to define the Warren Court era was officially over.

The election of Ronald Reagan in 1980 delivered a decisive blow to any hopes for decarceration.

Murakawa describes how sentencing reforms of the 1980s arose in part from liberal concerns about unfairness of unfettered discretion and inconsistent penalties for similar offenses that could give license to racist criminal justice actors. The story here tracks with that of the OCCSSA; in the forms sponsored by Senator Edward Kennedy beginning in 1977, initial bills would have served to limit incarceration, if only modestly. But by 1980, Kennedy, along with Senators Joseph Biden and Strom Thurmond, were collaborating to produce the Comprehensive Crime Control Act of 1984, what many have called the worst crime bill since 1968. Parole was abolished, good time sentence reductions were capped, and prison expansion was recommended, as needed. Parole boards' and judges' discretion in indeterminate sentencing gave way to that of prosecutors. This was the critical juncture at which rising incarceration rates, on the rise since the 1970s, were given the fuel to explode.

After the revanchist administrations of Reagan and Bush I, Clinton became the metaphorical "first black president" in 1993, before Obama claimed the literal title fifteen years later. Despite his popularity, Clinton was a disaster for the poor and people of color. Under his watch, the prison population skyrocketed. Murakawa demonstrates that in the realm of social policy, Clinton and his cronies shredded the already quite porous safety net with the odious terms of welfare "reform," and gave us the Violent Crime Control Act of 1994 and the Antiterrorism and Effective Death Penalty Act of 1996 in its place. The addition of scores of new death-eligible federal offenses during the 1990s did not produce many federal executions but did send a clear signal to the states, which conducted a record number of executions in 1999. AEDPA gutted federal habeas review for all state inmates (whose numbers dwarf those in federal prisons), not just the ostensible terrorists residing on death rows. As Murakawa explains, Joe Biden pursued the federal death penalty bidding war, in which Republicans and Democrats vied for the title of most eager to kill, with a bellicosity that is hard to reconcile with the grandfatherly persona he presents today. Further, the president under whom he currently serves evinced his broad support for the death penalty while campaigning in 2008. While Murakawa makes no reference to this incident, Obama's response to the Supreme Court's rejection of states' capital child rape statutes vividly illustrates Democratic attempts to cure racism through administration. Obama told reporters that Louisiana should be allowed to kill those convicted of child rape, so long as it was "done in a careful and appropriate way." Chilling in light of the shockingly racist history of capital rape prosecutions in the south and the thinly coded meaning of "states' rights" in context, his position here differed from McCain's in degree rather than kind. After his election, Murakawa says, Obama's continuing "promise of death through fair legal process was no political lapse... [but] a valedictory for liberal law-and-order" (p. 156).

It must be said that Murakawa's subtitle overstates the evidence. While it is certainly true that liberal *politicians* have had an insufficiently developed if not willfully blind conception of the problem of structural racism, to say that they "built prison America" is to give them too much of the blame. It might be more accurate to say that they aided and abetted the harshly punitive agenda of the right, exploiting their own complicity in these processes when instrumental for winning elections. It is hardly a revelation that Democratic politicians, from Truman to Obama and at all levels below, would utter platitudes and offer weak gestures toward racial progress while pandering in action to the forces of white supremacy. But the details do matter, and Murakawa makes a significant contribution by showing us the legislative process under a microscope. *The First Civil Right* stands as a searing reminder that the mass incarceration sausage we have now been choking on for decades was crafted in a true spirit of bipartisanship.

*Rosa Greenbaum is a graduate of New College of Florida and doctoral student in the Department of Criminology, Law & Society at the University of California, Irvine. Previously, she worked as a post-conviction capital defense investigator in Florida for over a decade. She was recently named a 2015 National Science Foundation Graduate Research Fellow; her forthcoming research in that capacity will focus on ways to improve indigent criminal defense.*



## Member Publications

If you have something you would like in the next SSSP Law and Society Newsletter, please contact the Newsletter Editor.

De Leon, C. (2015). *The Origins of Right to Work: Antilabor Democracy in Nineteenth-Century Chicago*. Ithaca: Cornell University Press.

Tugal, C., de Leon, C., & Desai, M. (Eds.). (2015). *Building Blocs: How Parties Organize Society*. Stanford: Stanford University Press.

Policing Wildlife: Perspectives on the Enforcement of Wildlife Legislation  
by Angus Nurse

Publisher: Palgrave Macmillan, Editor: Palgrave Studies in Green Criminology Series, ISBN: 9781137400000

Wildlife crime is a fringe area of criminal justice, despite its importance as one of the highest value areas of global crime and its long term effects on ecosystems. This book examines the enforcement of wildlife law, one of the fastest growing areas of crime globally. It examines the extent of wildlife crime, the role of NGOs in policy development and practical law enforcement, and considers how justice systems deal with contemporary wildlife crime. Policing Wildlife importantly examines the pressing threat of organised crime and other groups in wildlife crime. It highlights the weaker enforcement regimes and more lenient attitudes to wildlife crimes by the courts, despite the strong provisions which actually exist in wildlife law. Ultimately, it considers how enforcement regimes need to adapt to contemporary wildlife crime threats and argues for the better integration of wildlife crime into mainstream justice systems.

## Announcements

- Stephen J. Morewitz was awarded a California State University, East Bay, Certificate of Appreciation in Recognition and Appreciation for Contributions in Scholarly and Creative Works for the first HANDBOOK OF FORENSIC SOCIOLOGY AND PSYCHOLOGY on April 21, 2015. The Handbook of Forensic Sociology and Psychology is an award-winning book that is the first book with forensic sociology in the title. It establishes the theoretical and methodological foundation for training programs and practice.
- This year's winner of the Chambliss Lifetime achievement award is Dr. Richard S. Quinney, Professor Emeritus of Sociology at Northern Illinois University.