

## **Miniseminar: Race, Gender, and American Incarceration (LAW 885/007)**

Prof. Margo Schlanger  
Winter 2021 (1 credit, ungraded)  
University of Michigan Law School

### **SYLLABUS**

Dates: Wednesdays: 2/10, 2/24, 3/10, 3/24, 4/7 and 4/14

Time: 6:30-8:30 p.m. ET

Location: REMOTE

Description: Race and gender profoundly influence who goes to jail and prison and their experience there. We'll read and discuss experiential accounts, scholarship, and caselaw addressing the issues. You can take this mini-seminar even if you've also taken any other law school classes related to the subject matter.

For reading that has a URL, you can get it that way; everything else is posted in Canvas.

#### **Week 1, Feb. 10**

- James Forman Jr., *Racial Critiques of Mass Incarceration: Beyond the New Jim Crow*, 87 N.Y.U. L. Rev. 21 (2012)
- John Clegg & Adaner Usmani, *The Economic Origins of Mass Incarceration*, *Catalyst* vol. 3, no. 3 (Fall 2019)
- Jack Norton & David Stein, *Materializing Race: On Capitalism and Mass Incarceration*, *Spectre* (Oct. 22, 2020)

#### **Week 2: Race inside prison for people of color (Feb. 24, 2021)**

- *Cooper v. Pate*, in the 7th Cir. and the Supreme Court.
- *Johnson v. California*. Just read the case summary: <https://www.oyez.org/cases/2004/03-636>.
- Cell integration, 2015 article (Bay Citizen).
- *Mitchell v. Cate Settlement*.
- Tariq Maqbool, "[Endurance: My 16 Years Inside Prison](#)," [Prison Journalism Project](#)
- Christopher Blackwell, "[How Prison Turned My Childhood Friend Into a Neo-Nazi](#)," [The Marshall Project](#)
- Ear Hustle, *Unwritten*, <https://www.earhustlesq.com/episodes/2017/9/13/unwritten>
- Optional; Santiago Soto, "A Double Standard System of Justice," [https://apw.dhinitiative.org/islandora/object/apw%3A12343209?solr\\_nav%5Bid%5D=ee6c219826571d79e434&solr\\_nav%5Bpage%5D=0&solr\\_nav%5Boffset%5D=0](https://apw.dhinitiative.org/islandora/object/apw%3A12343209?solr_nav%5Bid%5D=ee6c219826571d79e434&solr_nav%5Bpage%5D=0&solr_nav%5Boffset%5D=0)  
(Note: It's handwritten, but there's a transcription button at the top)

### Week 3: Race and gender on the inside: Whiteness and masculinity (March 10)

Don't be daunted: everything required except the Buchanan article is really short, and even that is fully two-thirds footnotes, which **you** don't need to read at all.

- Bureau of Justice Statistics, *Sexual Victimization Reported by Adult Correctional Authorities, 2012-15* (July 2018), selected pages.
- Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12* (May 2013), selected pages.
- Kim Shayo Buchanan, *Our Prisons, Ourselves: Race, Gender and the Rule of Law*, 29 YALE L. & POL'Y REV. 1 (2010), but NOT pp. 46-52.
- **Optional Reading:** Buchanan significantly critiques this report, so I'm posting it if you wish to read the relevant pages alongside her critiques. Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (2010)
- Benjamin Boyce, I Did 340 Pushups a Day to Prepare for the TV Version of Prison. Then I Got There, Marshall Project (Jan. 28 2021), <https://www.themarshallproject.org/2021/01/28/i-did-340-pushups-a-day-to-prepare-for-the-tv-version-of-prison-then-i-got-there>
- Ryan M. Moser, A Pacifist's Plan to Survive the Violent World of Prison, Marshall Project (Nov. 5, 2020), <https://www.themarshallproject.org/2020/11/05/a-pacifist-s-plan-to-survive-the-violent-world-of-prison>
- Sergio Hill, I Thought I Knew My Father, Then I Met Him in Prison, Marshall Project (June 11, 2019), <https://www.themarshallproject.org/2019/06/11/i-thought-i-knew-my-father-then-i-met-him-in-prison>
- Kenneth Key & Michael Key, as told to Alysia Santo, Father and Son, Next Door Neighbors in Prison, Marshall Project (June 10, 2019), <https://www.themarshallproject.org/2019/06/10/father-and-son-next-door-neighbors-in-prison>
- Jason Wright, Why Showering in Prison Is Hell, Marshall Project (Jan. 10, 2019), <https://www.themarshallproject.org/2019/01/10/i-ve-been-in-prison-for-15-years-showering-is-hell>

Finally, and again **optional**—I learned a lot from these two articles. The first is a critical reading of first-person accounts of white male prisoner sexual victimization; the second is an extremely insightful analysis of a true-crime-type novel by an African American author focusing on white male prisoner sexual victimization. Content warning: both, but particularly the Sargent article, include some disturbing and graphic passages quoted from the sources they are analyzing.

- Simon Rolston, *White Boy: Prison Life Writing and White Male Victimhood in T. J. Parsell's Fish and Jack Henry Abbott's In the Belly of the Beast*, AMERICAN STUDIES, 55:4/56:1 (2017), 187–206.

- Andrew Sargent, *Representing Prison Rape: Race, Masculinity, and Incarceration in Donald Goines's White Man's Justice, Black Man's Grief*, MELUS: MULTI-ETHNIC LITERATURE OF THE U.S., 35:3, 131-155 (Fall 2010)

#### **Week 4: Women in prison (March 24)**

- Theresa Martinez, in *INSIDE THIS PLACE, NOT OF IT: NARRATIVES FROM WOMEN'S PRISONS* (Robin Levi & Ayelet Waldman, eds., 2011)
- Interview with Theresa Martinez, Ayelet Waldman: Women are the Fastest Growing Prison Population (Oct. 22, 2011), <http://oreaddaily.blogspot.com/2011/10/women-are-fastest-growing-prison.html>
- TUTWILER (2020) (Marshall Project documentary about pregnant women in prison and what happens after they give birth), <https://www.youtube.com/watch?v=rWv66yLetI4>. (35 minutes).
- Selected pages from SCHLANGER ET AL., *INCARCERATION AND THE LAW* (statistics, and *Southerland v. Thigpen*)

#### **Week 5: Trans prisoners. Dee Farmer will attend (remotely, obviously) (April 7)**

- Dee's Triumph: One of the Most Important Trans Victories You Never Heard Of, <https://www.aclu.org/blog/smart-justice/mass-incarceration/dees-triumph-one-most-important-trans-victories-you-never>
- *Farmer v. Brennan* Cert. Petition, <https://clearinghouse.net/chDocs/public/PC-WI-0021-0002.pdf>.
- *Farmer v. Brennan*, opinion (edited)
- PREA rule (selected sections)
- Selected pages from SCHLANGER ET AL., *INCARCERATION AND THE LAW* (medical treatment of trans prisoners)
- Patricia Elane Trimble, *A Mother's Hidden Fears* (May 6, 2020), <https://prisonjournalismproject.org/pjp-stories/mothers-hidden-fears>.
- Ethan Ybabes as told to Page Dukes, *My Road to Acceptance as a Trans Man Began in Prison* (June 14, 2018), <https://www.themarshallproject.org/2018/06/14/my-road-to-acceptance-as-a-trans-man-began-in-prison>
- Leila Miller, *California prisons grapple with hundreds of transgender inmates requesting new housing*, L.A. Times (April 5, 2021), <https://www.latimes.com/california/story/2021-04-05/california-prisons-consider-gender-identity-housing-requests>

**Week 6: Gay and lesbian prisoners: The “separate housing” issue (April 14)**

- Russell K. Robinson, *Masculinity as Prison: Sexual Identity, Race, and Incarceration*, 99 CAL. L. REV. 1309 (2011) (SKIM)
- Sharon Dolovich, *Strategic Segregation in the Modern Prison*, 48 AM. CRIM. L. REV. 1 (2011) Competing articles (SKIM)
- DOJ PREA rule -- from prior week’s reading. Especially 115.42
- Ear Hustle Episode, “Down Low” (June 6, 2018), <https://www.earhustlesq.com/episodes/2018/6/6/down-low>
- Corey John Richardson, How Some Men Find Love, in *Fourth City: Essays from the Prison in America* (Doran Larson, ed., 2014)
- Corbett Yost, What It's Like To Be Gay In Prison, The Marshall Project (Feb. 25, 2016), <https://www.themarshallproject.org/2016/02/25/what-it-s-like-to-be-gay-in-prison>
- Leigh Cuen, Here's What Relationships Are Really Like Inside A Women's Prison, Mic (June 16, 2016), <https://www.mic.com/articles/146276/here-s-what-relationships-are-really-like-inside-a-women-s-prison>
- Optional:
  - Dennis Mintun, My Gay Prison Gang Fights Neo-Nazis, The Marshall Project (Setp. 6, 2018), <https://www.themarshallproject.org/2018/09/06/my-gay-prison-gang-fights-neo-nazis>
  - Erin Kerrison, How Post-Prison Reentry Programs Fail Queer Women, The Marshall Project (Jan. 24, 2018), <https://www.themarshallproject.org/2018/01/24/how-post-prison-reentry-programs-fail-queer-women>.
  - Cynthia, in *Inner Lives: Voices of African American Women in Prison* (Paula Johnson, ed. 2003) (posted)