

# SPI 594W: RACE, PLACE, AND THE LAW

Draft Syllabus: Subject to Change

Spring 2023 (First Half)

Tuesdays 6:30-9:30 PM, Robertson 029

Professor: Brian Highsmith, bh9459@princeton.edu

## Course Description:

This seminar explores the institutional stakes of geography for economic opportunity and democratic representation, focusing on racial separation and subjugation in the United States. The first part of the course consider how law and policy help determine where people reside; the remainder explores how and why “place” matters. Many of our readings—which draw from public policy reports, historical context, legal scholarship, and contemporary social science—will focus on the case study of mass punishment, covering such issues as prison gerrymandering and local governments’ reliance on regressive fines and fees that are generated through overpolicing. The primary goals of this course will be to first understand the hidden stakes of geography, as shaped by racialized processes of exclusion and dispossession, and then to apply the resulting insights to contemporary policy problems.

## Assignments:

The primary academic expectation for this seminar will be to engage with its central questions through critical reading of the assigned texts and participation in our group discussions (about those readings). I have tried to select excerpts from longer works and to intersperse denser academic texts with short videos, podcasts, news coverage, and policy reports. But due to the nature of these topics, as well as the expanse of material to cover in just six weeks, I want to acknowledge that our reading load is heavy—generally around 150 pages per week.

### Three writing assignments (structured in one of two ways)

Over the duration of this half-term, every student in this course will write approximately 4,500 words, distributed across one opinion essay, brief reflections about our readings, and a longer final research project. To accommodate students’ different goals and time commitments, you will select from two options for submitted written work: one where the bulk of the writing will be done as the final research project, and a second option that distributes (essentially) the same writing over extended weekly reflection memos. The expectations for both tracks are laid out below; please let me know by **Thursday, February 2**, which option you would like to select. The weight of several assignments will vary across the two writing options, depending on your selection, roughly corresponding to the assignment length:

|                            | Assignment  |   | Grading          |                   |
|----------------------------|---|---|------------------|-------------------|
|                            | Option 1  | Option 2  | Option 1         | Option 2          |
| <b>Reading reflections</b> | Three ~300-word reflections   | Four ~800-word reflections                        | 15%<br>(5% each) | 44%<br>(11% each) |
| <b>Final project</b>       | One ~3,000-word original research project                                 | One ~500-word supplement to a previous reflection | 45%              | 16%               |
| <b>Opinion essay</b>       | One 780-to-920-word opinion essay   |   | 15%              |                   |
| <b>Class participation</b> | Constructively engage during class discussion and with guest speakers     |   | 20%              |                   |
| <b>Reading summary</b>     | Read one designated “skim” assignment closely, and summarize during class |   | 5%               |                   |

With respect to the reflections and reading responses, word counts listed throughout are approximate, listed here only as general guidelines for length. The opinion essay, by contrast, is designed to be an opportunity to model contemporary publishing practices; your submission should be between 780 and 920 words.

*Final research project and reading reflections (general guidance for all students)*

All writing reflections will be due at **9am on the morning of our class meeting**. The reflections might compare the positions of different authors or texts, incorporate new information (including from outside readings or your own experiences), or draw attention to particular strengths and oversights in the texts. They should draw from multiple (or all) of the readings to develop an original argument or perspective, going beyond summarization to draw out connections between the readings and raising additional points to consider. That having been said: you are encouraged to develop a few points, even if certain readings are not relevant to those arguments, rather than “check off” all the readings in a cursory or superficial manner. Feel free to reference relevant outside material, beyond what we have been assigned—for example, by linking to a study that you’ve come across in some other context that provides empirical evidence of a relationship that is gestured at in the readings, or bringing in some theoretical concept that helps explain a historical anecdote. But the primary focus should be the readings.

Please conclude your responses with one or two short questions for the class to discuss; these questions are included in the word count expectation, as described below, but need not be related to the observations or arguments you make in the reflection. This general guidance for the reading responses applies to all students, whether or not they have selected Option 1 or Option 2; the primary difference is that students selecting Option 2 will have additional opportunity to “go deep” on a few points, or even a single argument, in a way that begins to resemble the sort of writing one might generally expect to practice in a research project.

*Option 1 (research project)*

Students selecting this option will be responsible for writing a final research project of approximately 3,000 words, to be submitted to me by **May 12**. This project should involve original research about a topic related to the themes of our class, but it can take different forms: it could be, for example, an academic research project (such as a review of literature relevant to an empirical project that you wish to pursue), or a persuasive essay for a public audience, or a policy memorandum reviewing different reform options. I hope that this project will contribute to your academic and professional goals; I would be happy to discuss or brainstorm with you about the various options (regarding both topic selection and final form). Students selecting this option will also be responsible for writing short (approximately 300 word) responses to our readings for any three of the five weeks after our initial class meeting; this means there will be short writing assignments due on the morning before three of the five class meetings after Week 1, in addition to the opinion essay.

*Option 2 (extended weekly reflections)*

In lieu of a final research project, students selecting this option will write longer reading response memos for four weeks after the initial class meeting. These will be due at 9am on the morning of our class meeting. For students selecting this option, the bulk of your work will be done by the end of the semester, but there will still be a final assignment: you will take any one of the previous reading response memos, and roughly double the length (extending it from 800 to approximately 1,300 words). This can be done by supplementing your points with additional citations, or by reorganizing and adding structure to your argument. But the idea is that you won’t be starting from scratch—extending, rather than creating anew.

*Opinion essay:*

By the final day of class (**March 7**), you will be responsible for drafting one standard-length opinion essay (between 780 and 920 words) that extends the substantive arguments that you have developed in any of the

writing assignments, including both the final research project as well as the weekly reflections. Public-facing persuasive writing is a valuable skill that this assignment will give you an opportunity to practice; it also, importantly, represents a different type of writing than the academic writing that is the general expectation for our other assignments. Note that this is a different *assignment* than the others, and given a separate grade—but the idea is that this essay will develop one or more of the *same arguments* that you have made in other course assignments. You are allowed (and even encouraged, to some extent) to pull some language directly from those assignments, but the goal here is make your arguments compelling and immediately accessible to a general audience that does not have the same background as your classmates; that task very likely will require some substantial reworking of your reflections or research draft. We will discuss strategies for this sort of writing during class. Note also that this assignment is due by the final day of class, even if you are adopting an argument that will be extended in a final research project submitted at the end of the semester. For this assignment (only), please list the word count at the bottom of your submission.

#### Class participation:

This is a seminar course, and the success of the course requires full participation by all of us. The most important requirement of the course is to consider the assigned readings for each week carefully and critically, and to come prepared to discuss the larger issues that they point us toward.

#### **Required Texts:**

Readings will be available on the course's Canvas site.

#### **Reading Summary Assignment (and note on the assignment designations):**

The readings are the focus of our weekly discussions; they provide us, as a group, with common terms of reference upon which productive discussions will depend. I have tried to balance the readings between “classic texts,” which you may already have encountered, and works with which you may be less familiar. In the case that you already have read one of the assigned readings, please feel to either read it closely a second time (engaging with it in fresh perspective) or alternatively to skim it this time and engage closely with one of the recommended readings instead.

I have attempted to excerpt from nearly all of the extended texts, such that we can give each a fairly close read—but I also am hoping that you will learn to skim well, paying particular attention to key arguments, methods, and findings. With that goal in mind, I have designated several of the assigned readings in most units as “skim-able.” These readings *are* assigned (as distinct from the others that I have listed here as supplementary, which are intended for your future reference), and you should be prepared to discuss them in class—but in the interest of trimming the reading load, I ask only that you read closely enough to get the key ideas and arguments, rather than all of the details and presented evidence.

Instead, I will ask each of you to sign up to read—at some point in the semester—one designated “skim” reading in closer detail and then present its main idea and supporting evidence to the class. You are encouraged also to identify any substantive connections to the readings that were assigned (as “close reads”) to the full group. These reading summaries are intended to be informal; you are welcome to use a handful of slides if those would be helpful, but also are free to summarize the readings verbally. These presentations should take about 3 to 5 minutes.

## COURSE ASSIGNMENTS

### **Week 1 (January 31): Introduction to the Law and Study of Race and Place**

This course meeting is designed to introduce the themes of our seminar, through a close examination of how race and the law have shaped the economic and political geography of Alabama—as well as the ongoing human impact of these legacy institutional arrangements. We will be joined via Zoom by several guest experts, including journalists and local researchers whose work we will read and impacted people whose stories are featured.

#### ***Assigned readings***

Nikole Hannah-Jones, *The Resegregation of Jefferson County* (2017), [link](#)

“Pulled Over/Pulled Under” (17-minute video), [link](#)

Robin Kaiser-Schatzlein, *Alabama Takes From the Poor and Gives to the Rich*, New York Times (2022), [link](#)

Douglas A. Blackmon, “Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II” (2008) — Chapter III: Slavery’s Increase

Wayne Flynt, “Alabama in the Twentieth Century” (2004) — Chapter 1: In the Beginning: The 1901 Constitution

Brian Highsmith, *The Structural Violence of Municipal Hoarding*, American Prospect (July 2020), [link](#)

Connor Sheets, *Alabama sheriffs pocket tens of thousands of taxpayer dollars allocated to feed inmates*, Birmingham Real-Time News (Feb. 2018), [link](#)

#### ***Skim***

Michael Leachman, Michael Mitchell, Nicholas Johnson and Erica Williams, *Advancing Racial Equity with State Tax Policy*, Center on Budget and Policy Priorities (2018), [link](#)

Katherine S. Newman and Rourke O’Brien, “Taxing the Poor: Doing Damage to the Truly Disadvantaged” (2011) — Chapter 1: The Evolution of Southern Tax Structures, Chapter 3: The Geography of Poverty

### **Week 2 (February 7): Why do people live where they live?**

This unit examines why people live where they do; the remainder of the class meetings consider why these geographic arrangements of people matter. We begin by considering how people have come to be distributed *across* regions, focusing on settlement of the western territories during the 19th century and the Great Migration of Black families who fled the terror of Jim Crow South for industrial cities in the northern and western United States. We also will explore the relation between historical processes of commodifying land and the creation of mechanisms for dispossessing and displacing the people who inhabit it. We then examine the factors that shape how people are distributed *within* regions, through residential segregation. We will learn about the laws and other mechanisms used to exclude Black families from white neighborhoods, as well as the flight of white families from urban centers into constructed suburbia.

NOTE: This week covers a lot of substantive ground—providing important background for the remaining units—and is, for that reason, particularly reading intensive (somewhat more than the others). I hope the podcast can be listened to while you are doing other tasks throughout the week. It’s also possible that some of this content will be familiar to you from other coursework or your own reading. If you need guidance prioritizing among the readings, please focus on the substance here that is least familiar to you.

### ***Assigned readings***

- Isabel Wilkerson, “The Warmth of Other Suns: The Epic Story of America’s Great Migration” (2010) — Part One: In the Land of the Forefathers (Pages 1-15; 36-46); Part 3: Exodus (Pages 223-237)
- Arnold R. Hirsch, “Making the Second Ghetto: Race and Housing in Chicago, 1940-1960” (1983) — Chapter 1: The Second Ghetto and the Dynamics of Neighborhood Change
- Thomas J. Sugrue, “The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit” (1996) — Chapter 7: Class, Status, and Residence: The Changing Geography of Black Detroit
- The Dig podcast, “New Deal Ruins w/ Edward Goetz” (December 2022), [link](#)
- Sheryll Cashin, *White Space, Black Hood: Opportunity Hoarding and Segregation in the Age of Inequality* (2021) — Chapter 2: White Supremacy Begat “The Ghetto”; Chapter 3: Segregation Now: The Past is Not Past
- Jacqueline Rabe Thomas, *Separated by Design: How Some of America’s Richest Towns Fight Affordable Housing*, The Connecticut Mirror (2019), [link](#)

### ***Skim***

- Richard Rothstein, “The Color of Law: A Forgotten History of How Our Government Segregated America” (2017) — Chapter 3: Racial Zoning; Chapter 8: Local Tactics
- Jessica Trounstein, “Segregation by Design: Local Politics and Inequality in American Cities” (2018) — Chapter 4: Engineering Enclaves: How Local Governments Produce Segregation
- Charles Koppelman, “Squatters: The Other Philadelphia Story” (1984), 27-minute film available [here](#)

### ***Recommended supplementary readings (not assigned)***

#### Historical perspectives on regional migration and property regimes

- K-Sue Park, *The History Wars and Property Law: Conquest and Slavery as Foundational to the Field*, Yale Law Journal (2022) — Sec. IV: Possession by Dispossession
- Paul Frymer, “Building an American Empire: The Era of Territorial and Political Expansion” (2017) — Chapter 1: Introduction; Chapter 2. Boundaries and Movement; Chapter 4. Homesteading and Manufacturing Whiteness
- Aziz Rana, “The Two Faces of American Freedom” (2010) — Chapter 2: Citizens and Subjects in Postcolonial America
- Leah Platt Boustan, “Competition in the Promised Land: Black Migrants in Northern Cities and Labor Markets” (2017) — Chapter 4: Black Migration, White Flight; Chapter 5: Motivations for White Flight: The Role of Fiscal/Political Interactions
- N. D. B. Connolly, “A World More Concrete: Real Estate and the Remaking of Jim Crow South Florida” (2014)

#### Housing discrimination, neighborhood segregation, and intergenerational wealth

- David Imbroscio, *Race Matters (Even More Than You Already Think): Racism, Housing, and the Limits of The Color of Law*, Journal of Race, Ethnicity and the City (2020)
- The Tyranny Of The Map: Rethinking Redlining
- Robert Gioielli, *Housing, Race, Redlining, Segregation, Suburbanization*, The Metropole Blog (2022), [link](#)
- Prottoy A. Akbar, Sijie Li, Allison Shertzer, and Randall P. Walsh. *Racial Segregation in Housing Markets and the Erosion of Black Wealth*. NBER Working Paper Series, no. w25805 (2019)
- Norrinda Brown Hayat, *Urban Decolonization*, Michigan Journal of Race & Law (2018)
- Kecanga-Yamahtta Taylor, “Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership” (2019) — Introduction and Chapters 1-2
- Ta-Nehisi Coates, *The Case for Reparations*, The Atlantic (2013), [link](#)

### White flight, suburbanization, and restrictive zoning

- Richard Rothstein, “The Color of Law: A Forgotten History of How Our Government Segregated America” (2017) — Chapter 6: White Flight, Chapter 8: Local Tactics, and Chapter 9: State-Sanctioned Violence
- Alan Mallach, “The Divided City: Poverty and Prosperity in Urban America” (2018) — Chapter 1: The Rise and Fall of the American Industrial City, Chapter 4: Race, Poverty, and Real Estate, Chapter 5: Gentrification and Its Discontents
- Jonathan Rothwell and Douglas S. Massey, *The Effect of Density Zoning on Racial Segregation in U.S. Urban Areas*, Urban Affairs Review (2009)
- Alexander Sahn, *Racial Diversity and Exclusionary Zoning: Evidence from the Great Migration*, Working Paper (2020), [link](#)

### Examining race and place in several American cities

- John Hartigan Jr., “Racial Situations: Class Predicaments of Whiteness in Detroit” (2000)
- Anna Blatto, *A City Divided: A Brief History Of Segregation In Buffalo*, Partnership For The Public Good (2018), [link](#)
- Todd M. Michney, “Surrogate Suburbs: Black Upward Mobility and Neighborhood Change in Cleveland, 1900–1980” (2017)
- Walter Johnson, “The Broken Heart of America: St. Louis and the Violent History of the United States” (2020)
- Richard Rothstein, *The Making of Ferguson: Public Policies at the Root of its Troubles*, Economic Policy Institute Report (2014), [link](#)
- Eliot M. Tretter, “Austin Restricted: Progressivism, Zoning, Private Racial Covenants, and the Making of a Segregated City” (2012)
- Lawrence T. Brown, “The Black Butterfly: The Harmful Politics of Race and Space in America” (2021) — Chapters 3 to 5

### **Week 3 (February 14): How does geographic space assume political meaning?**

The next section of the course, beginning with this unit, is about how people—distributed across geographic space through the processes we will have just discussed—come to be organized into distinct political communities. Who should get to decide the scope of political boundaries, and how should they be decided? We will study the state laws that determine the extent to which contested local jurisdictional boundaries may overlap onto (and thus reinforce) patterns of racial and economic segregation. We will begin this study with a discussion of the doctrine of municipal incorporation, examining how local governments are formed and why their boundaries matter for political and economic life. We then look at how those legal boundaries are contested over time, including to enforce racial exclusion and protect accumulated wealth in segregated enclaves. We will be joined this week (virtually, for a portion of class) by guest Michelle Wilde Anderson.

### ***Assigned readings***

- Margaret Weir & Desmond King, *Redistribution and the Politics of Spatial Inequality in America* in *Who Gets What?: The New Politics of Insecurity*” (2021)
- Why American Cities are so Weirdly Shaped: How Strange Municipal Boundaries Came About, and How They Hold Cities Back*, *The Economist* (2018), [link](#)
- Richard Thompson Ford, *The Boundaries of Race: Political Geography in Legal Analysis*, *Harvard Law Review* (1994) — Parts I and II
- Michelle Wilde Anderson, *Mapped Out of Local Democracy*, *Stanford Law Review* (2010) — Introduction and Sections I-II, and Conclusion [read all but Sec. III and IV, which you may either skim or skip]

Shaila Dewan, *In County Made Rich by Golf, Some Enclaves Are Left Behind*, New York Times (2005), [link](#)  
Michelle Wilde Anderson, “The Fight to Save the Town: Reimagining Discarded America” (2022) —  
Introduction

### **Skim**

Yonah Freemark, Justin Steil & Kathleen Thelen, *Varieties of Urbanism: A Comparative View of Inequality and the Dual Dimensions of Metropolitan Fragmentation*, Politics and Society (2020)  
Kenneth T. Jackson, “Crabgrass Frontier: The Suburbanization of The United States” (1985) —  
Chapter 8: Suburbs into Neighborhoods: The Rise and Fall of Municipal Annexation  
Margaret Newkirk, *The Wealthy Atlanta Suburb Fighting to Secede from Its City*, Bloomberg Businessweek (2018), [link](#)

### Recommended supplementary readings (not assigned)

#### The formation and significance of local boundaries

Gary Miller, “Cities by Contract: The Politics of Municipal Incorporation” (1981)  
Megan Mullin, *Local Boundaries*, in “Oxford Handbook of State and Local Government”, ed. Donald Haider-Markel (2014).  
Margaret Weir, *States, Race, and the Decline of New Deal Liberalism*, Studies in American Political Development (2005)  
Nancy Burns, “The Formation of American Local Governments: Private Values in Public Institutions” (1994)  
Zoltan L. Hajnal and Jessica Trounstein, *Who Or What Governs?: The Effects Of Economics, Politics, Institutions, and Needs on Local Spending*, American Politics Research (2010)

#### Municipal splintering: annexation and secession

*Gomillion v. Lightfoot*, 364 U.S. 339 (1960)  
Christopher B. Goodman, *Local Government Fragmentation: What Do We Know?*, State and Local Government Review (2019)  
Rick Rojas, *Voters Near Baton Rouge Want Better Schools. First, They Need a New City*, New York Times (2019), [link](#)  
Thomas Korosec, *Sunnyvale: The Whitest Town in North Texas*, D Magazine (2012), [link](#)  
J. Brian Charles, *Breaking Up Is Hard to Do: Why Some States and Cities Want to Secede*, Governing Magazine (2018), [link](#)

### **Week 4 (February 21): What are the consequences for economic distribution?**

Having studied why people live where they do and how communities organize themselves politically, the remainder of the course will examine the consequences of these geospatial arrangements and the legal and political institutions used to give them political meaning. In this unit, we will first (briefly) review some of the social science literature about *why* place matters for economic mobility and opportunity. We then will study the legal doctrines and institutional arrangements that help determine how local governments raise revenue and provide public goods. We will learn about how residents of wealthy white neighborhoods can, through government and individual actions, use self-drawn municipal boundaries to construct legal walls around their wealth—protecting their resources from public use and creating fiscal pressures in excluded communities. We finally will discuss how different levels of government work together to collect revenue and provide redistributive public goods. Increasingly, economic inequality and segregation work together to place a rising share of the country’s resources out of reach for excluded local jurisdictions. Partly as a result, we will learn, broad categories of public goods funded through local sources of wealth—from quality schools to clean water

to public safety—are inaccessible to many poor families. We will be joined this week (virtually, for a portion of class) by guest Patrick Sharkey.

### ***Assigned readings***

- Patrick Sharkey, “Stuck in Place: Urban Neighborhoods and the End of Progress Toward Racial Equality” (2013) — Chapter 4: Neighborhoods and the Transmission of Racial Inequality and Chapter 5: The Cross-Generational Legacy of Urban Disadvantage
- Sheryll Cashin, *White Space, Black Hood: Opportunity Hoarding and Segregation in the Age of Inequality* (2021) — Chapter 5: Opportunity Hoarding: Overinvest and Exclude, Divest and Contain
- Thomas B. Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (1992) — Chapter 6, The Tax Revolt
- Adolph Reed, Jr., *The Black Urban Regime: Structural Origins and Constraints*, in “Stirrings in the Jug: Black Politics in the Post-Segregation Era” (1999)
- ACTIVEST, “Newark, New Jersey — Fiscal Justice Analysis” (June 2022), [link](#)

### ***Skim***

- Camille Walsh, “Racial Taxation: Schools, Segregation, and Taxpayer Citizenship, 1869-1973” (2018) — Chapter 5: The White Man’s Tax Dollar
- Cybelle Fox, “Three Worlds of Relief: Race, Immigration, and the American Welfare State from the Progressive Era to the New Deal” (2010) — Chapter 3: Three Worlds of Relief
- Jamila Michener, “Fragmented Democracy: Medicaid, Federalism, and Unequal Politics” (2018) — Chapter 3: Federalism, Health Care, and Inequity (p. 33-59)

### ***Recommended supplementary readings (not assigned)***

#### Mobility and opportunity

*Milliken v. Bradley*, 418 U.S. 717 (1974)

Douglass Massey and Nancy A. Denton, “American Apartheid: Segregation and the Making of the Underclass” (1998) — Chapter 5: The Creation of Underclass Communities, Chapter 6: The Perpetuation of the Underclass

Raj Chetty and Nathaniel Hendren, *The Impacts of Neighborhoods on Intergenerational Mobility: Childhood Exposure Effects*, NBER paper (2017)

Ellora Derenoncourt, *Can You Move to Opportunity? Evidence from The Great Migration*, American Economic Review (2022)

David Schleicher, *Getting People Where the Jobs Are*, Democracy: A Journal of Ideas (2016), [link](#)

Jackelyn Hwang, Michael Hankinson, Kreg Steven Brown, *Racial and Spatial Targeting: Segregation and Subprime Lending within and across Metropolitan Areas*, Social Forces (2015)

#### Local tax structures and public goods

*San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973)

Robin L. Einhorn, “American Taxation, American Slavery” (2006) — Part III, The Synthesis in the States

Destin Jenkins, “The Bonds of Inequality: Debt and the Making of the American City” (2021)

Jessica Trounstine, *Segregation and Inequality in Public Goods*, American Journal of Political Science (2015)

#### Perspectives on fiscal federalism

David A. Super, *Rethinking Fiscal Federalism*, Harvard Law Review (2005) — Introduction and Parts I-II

Paul Peterson, “City Limits” (1981) — Chapter 4: Toward a New Theory of Federalism



Daniel L. Hatcher, “The Poverty Industry: The Exploitation of America’s Most Vulnerable Citizens” (2016) — Chapter 2, *Poverty’s Iron Triangle* (p. 28-65)  
Zachary D. Liscow, *The Efficiency of Equity in Local Government Finance*, NYU Law Review (2017) — Introduction and Parts IV-V  
Philip Rocco, *Ending Federalism as We Know It*, Jacobin (2020)

### **Week 5 (February 28): What are the consequences for democracy?**

In this unit, we finally consider the consequences of these various forms of municipal hoarding and geographic sort for political representation, across all levels of government. We first consider the constraints on local democracy, including state preemption of local authority and representational challenges presented in local elections. Then we consider how geographic sort is changing political representation also through our national institutions, including by diluting the influence of Black votes through single-member congressional districts and the malapportioned Senate. Indeed, many of what scholars have identified as defects of our constitutional design can be thought of as distortions deriving from where people live today.

#### ***Assigned readings***

Richard Briffault, *The Challenge of the New Preemption*, Stanford Law Review (2018) — Introduction; Sections I and III; and Conclusion [read all but Section II, which you may either skim or skip]  
Rick Su, Marissa Roy, & Nestor Davidson, *Preemption Of Police Reform: A Roadblock To Racial Justice*, Temple Law Review (2022)  
David Leffler & Savanna Strott, *A Texas county wants to punish polluters. The state won’t let it.*, Grist (2022), [link](#)  
Jonathan Rodden, “Why Cities Lose” (2019) — Chapter 6: Political Geography and the Representation of Democrats  
Miriam Seifter, *State Institutions And Democratic Opportunity*, Duke Law Journal (2022) — Introduction, Parts I and II, Conclusion  
Stephen Wolf, *Emergency managers and gerrymandering: How Republican attacks on democracy led to Flint water crisis* Daily Kos (2016), [link](#)  
Jonathan Chait, *The Senate Is America’s Most Structurally Racist Institution*, New York Magazine (August 2020), [link](#)

#### ***Recommended supplementary readings (not assigned)***

##### Local representation, preemption, and the political dimensions of federalism

Nestor M. Davidson, *The Dilemma of Localism in an Era of Polarization*, Yale Law Journal (2019)  
Rick Su, *Intrastate Federalism*, Uni. of Pennsylvania Journal of Constitutional Law (2016)  
Peter Eisinger, *City Politics in an Era of Federal Devolution*, Urban Affairs Review (1998)  
Yunji Kim, Austin M. Aldag, and Mildred E. Warner, *Blocking the Progressive City: How State Pre-Emptions Undermine Labour Rights in the USA*, Urban Studies (2020)  
Daniel Vock *The End of Local Laws? War on Cities Intensifies in Texas*, Governing (2017), [link](#)  
Christopher Niedt and Margaret Weir, *Property Rights, Taxpayer Rights, and the Multiscalar Attack on the State: Consequences for Regionalism in The United States*, Regional Studies (2010)  
Richard Florida, *City vs. State: The Story So Far*, CityLab, [link](#)

##### National implications of local geographic sorting

*Rucho v. Common Cause*, 139 S. Ct. 2484 (2019) — Justice Kagan’s dissent  
Travis Crum, *Reconstructing Racially Polarized Voting*, Duke Law Journal (2020) — Part III: Racially Polarized Voting During Reconstruction

Jessica Trounstein, “Segregation by Design: Local Politics and Inequality in American Cities” (2018) — Chapter 7: Segregation’s Negative Consequences, Chapter 9: The Polarized Nation That Segregation Built

Wendy K. Tam Cho, et al., *Voter Migration and the Geographic Sorting of the American Electorate*, Annals of the Association of American Geographers (2013)

Bruce E. Cain & Emily R. Zhang, *Blurred Lines: Conjoined Polarization and Voting Rights*, Ohio State Law Journal (2016)

Marc Levy, *All Eyes Were on Pa.’s Supreme Court in 2020. Is Change Coming?*, NBC Philadelphia (2020), [link](#)

Michael J. Klarman, *The Degradation of American Democracy — And the Court*, Harvard Law Review (2020) — Part II:A: The Disappearing White Majority

David Leonhardt, *The Senate: Affirmative Action for White People*, New York Times (2018), [link](#)

Heather Cox Richardson, *When Adding New States Helped the Republicans*, The Atlantic (2019)

David Wasserman, *The Congressional Map Has A Record-Setting Bias Against Democrats*, FiveThirtyEight (2017), [link](#)

### **Week 6 (March 7): Policing, Punishment, and Place**

Finally, we will pull these insights together to apply this new framework to the case study of mass punishment. Our readings will discuss how policing is used to entrench segregation by enforcing spatial boundaries. We will discuss the practice of prison gerrymandering, through which political power accrues to the (mostly white and rural) communities that imprison the (disproportionately Black and city-residing) men who have contact with the criminal system. And we will read about how cash-strapped jurisdictions, responding to the fiscal pressures created in part by economic segregation, have turned to regressive funding schemes—namely through fines and fees generated by overpolicing—to fund critical services.

#### ***Assigned readings***

James Baldwin, *A Report from Occupied Territory*, The Nation (1966), [link](#)

Bennett Capers, *Policing, Place, and Race*, Harvard Civil Rights-Civil Liberties Law Review (2009) — Part II

Monica C. Bell, *Anti-Segregation Policing*, NYU Law Review (2020) — Introduction, Parts I-II

Jeremy Kohler, *St. Louis Can Banish People From Entire Neighborhoods. Police Can Arrest Them if They Come Back.*, ProPublica (2022), [link](#)

Ruth Wilson Gilmore, “Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California” (2007) — Introduction; Chapter 3: The Prison Fix

Eric Lotke and Peter Wagner, *Prisoners of the Census: Electoral and Financial Consequences of Counting Prisoners Where They Go, Not Where They Come From*, 24 Pace Law Review 587 (2004)

East New York Land Trust, *Black Paper #1: Redistributing the land resources of the NYPD in ENY and across NYC*, (2022), [link](#)

#### ***Skim***

U.S. Department of Justice, Civil Rights Division, Investigation of the Ferguson Police Department (March 2015) — Part III: Ferguson Law Enforcement Efforts are Focused on Generating Revenue

Walter Johnson, *Ferguson’s Fortune 500 Company*, The Atlantic (2015), [link](#)

Rebecca Goldstein, Michael W. Sances & Hye Young You, *Exploitative Revenues, Law Enforcement, and the Quality of Government Service*, Urban Affairs Review (2020)

Josh Pacewicz & John N. Robinson III, *Pocketbook policing: How race shapes municipal reliance on punitive fines and fees in the Chicago suburbs*, Socio-Economic Review (2021)