COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

ABOLITION: A SOCIAL JUSTICE PRACTICUM

OMAVI SHUKUR AND BERNARD E. HARcourt

Fall 2021

3 CREDITS
L 8419 / CPLS 3980
Tuesday 4:20 – 6:20 pm

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Course times: Tuesdays 4:20 – 6:20 pm
Course location: Case Lounge

COURSE DESCRIPTION

This course will engage, both in theory and in practice, the ambition of racial justice and abolition democracy. It will study the history of race relations in this country. It will seek to chart the road to abolition of the punitive paradigm in the United States. It will investigate what it might mean to imagine abolition in the context of policing, of the prison, and also of punishment more broadly. And it will do so not only through readings and seminar-style discussion, but with hands on practice in legal cases involving capital punishment, police violence, and protest rights, as well as public policy interventions.

The United States incarcerates more of its own than any other country in the world and than any other civilization in history. With over 2,600 inmates on death row, 2.2 million people behind bars, another 5 million people on probation or parole, and over 70 million people in the FBI’s criminal record database, this country now operates a criminal justice system of unparalleled punitiveness. The burden of this system has fallen predominantly on people of color. In striking
ways, this country’s criminal legal process and reliance on mass incarceration represents a continuation of chattel slavery. As Bryan Stevenson notes, “Slavery didn’t end in 1865. It just evolved.”

This course will explore how the country can move from a punitive paradigm to a new paradigm that favors instead education and well-being. It will investigate: (1) how to chart a social justice path toward prison abolition; (2) how to reimagine the criminal legal process so that it is no longer based on a punitive paradigm; and (3) what it would mean to imagine abolition more broadly.

This course will be limited to 12 students, including 3 undergraduate students. Students will work on law projects together on mixed teams of law and undergraduate students. Research projects will be in the areas of capital punishment, criminal defense and advocacy, and appellate litigation. Projects will include, for instance:

- the Law For Black Lives movement lawyering squad
- the Andrew Smith case against the NYPD
- the Line 3 protester defense cases.

This practicum will be co-taught by Omavi Shukur and Bernard E. Harcourt.

Omavi Shukur is a Practitioner-in-Residence at the Initiative for a Just Society at the Columbia Center for Contemporary Critical Thought. In this capacity, Omavi researches the legal dimensions of efforts to create a more just, equitable and empowering society. He also litigates civil rights and criminal cases that implicate a myriad of pressing social justice issues, most notably the harms caused by the criminal legal system. Earlier in his career, he served as a public defender in New Orleans. He later returned to Little Rock, Arkansas and founded Seeds of Liberation, a nonprofit organization that engaged with marginalized communities in a collective effort to help eradicate the unique harms faced by formerly incarcerated people in Arkansas. Prior to joining the IJS, Omavi was Assistant Counsel at the NAACP Legal Defense Fund.

Bernard E. Harcourt is Professor of Law and Political Science at Columbia University and the Executive Director of the Center for Contemporary Critical Thought at Columbia University. He has represented individuals sentenced to death and to life imprisonment without parole in Alabama for thirty years.

The course will meet for a two-hour working seminar every week. Working in teams, law and undergraduate students will partner with Shukur and Harcourt on projects regarding abolition of the death penalty; finding alternatives to incarceration; and abolishing qualified immunity. In addition to seminar time each week, each team will meet with either Shukur or Harcourt once a week for an hour to discuss project progress. Students can be expected to work intensely on projects for at least three hours for every hour in seminar.

Please note that we will periodically invite experts in the field to join us as guests in the seminar. It is our hope that you will engage with them regarding the material we cover in readings
and the fieldwork you are conducting outside of class. The readings are subject to change, please look out for announcements in class and on CourseWorks.

For the undergraduates, this course is intended to build on core competencies for graduation, including: civic individual responsibility; written communication; community engagement and inclusion; creativity and innovation; critical thinking; global awareness; knowledge; research; and teamwork and collaboration. This course will offer an eye-opening and mind-flexing experience for undergraduates and law students that will directly engage issues of race, class, inequality, law, history, philosophy, and justice. Plus, students will be introduced to leading social justice advocates.

**Course Prerequisites**

Law students and undergraduates who wish to take the course should send a statement of interest describing their background and reason for wanting to take the course and CV to Fonda Shen at fws2107@columbia.edu.

**Course Requirements**

Students will be required to read the assigned materials, attend the weekly seminar, and participate in seminar discussion.

Students will be required to work on projects. Those will be graded first on the basis of a proposal submitted on week four; and then on the basis of the completed research project submitted at the end of the course. Ongoing feedback and discussion with the instructors will provide ongoing guidance for successful research.

Students will be required to submit a final written product that may be the product of their project work. The work product is expected to be 4,000-5,000 words.

During the semester, the students will be asked to submit in consultation with the instructors a document detailing their research topic and describing what they will be working on during the semester; and at the end of the semester, submit the final draft of their research or policy paper. The final grade for the course will be determined in the following manner:

- Seminar Attendance and Participation (20%)
- Project Description (20%)
- Final Project Work (60%)

**Statement Regarding Academic Integrity**

Each student in this course is expected to abide by the Columbia University Code of Academic Integrity. Any work submitted by a student in this course for academic credit must be the
student's own work. The complete Faculty Statement on Academic Integrity can be found at: https://www.college.columbia.edu/academics/integrity-statement and the Columbia University Undergraduate Guide to Academic Integrity can be found here: https://www.college.columbia.edu/academics/academicintegrity

Any violation of the Academic Code of Integrity will be forwarded to the Office of Judicial Affairs and Community Standards and will result in a failing grade for the course.

TAKING AND CREATING SPACE

Be mindful of any privileged identities you may hold and help to create an environment for everyone to contribute, speak up when you have something to share, but also create a space for others to share. This can mean letting others speak even if you do not get to share your view and being aware of the impact you are having on others’ ability to contribute.

DISABILITY STATEMENT

Columbia Law School is committed to the full inclusion of students with disabilities in the life of the University. In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and the Americans with Disabilities Act Amendments Act (ADAAA), CLS provides accommodations and supports to students with documented disabilities on an individual, case-by-case basis. To request disability accommodations for this course, students must first be registered with Disability Services (DS).

Detailed information is available online (https://health.columbia.edu/content/disability-services) regarding the registration process, drop-in hours schedule, documentation requirements and important deadlines. Please allow for at least three weeks to complete the DS registration process. If you have already registered with DS, please contact the CLS DS liaison: Jennifer Braden, Assistant Director of Counseling and Student Support, jbraden@law.columbia.edu.

BASIC NEEDS AND SECURITY

Any student who faces challenges securing their food or housing and believes this may affect their performance in this course is encouraged to contact Omavi Shukur or Bernard Harcourt if you are comfortable doing so and we, along with the Dean of Students, will assist you in accessing resources.
SYLLABUS

Week #1: September 14, 2021 – Introduction to Abolition

Readings:


Week #2: September 21, 2021 – Occupation

Readings:


Additional Bibliographic References:


Week #3: September 28, 2021 – Capture

Readings:


The Antelope, 23 U.S. 66 (1825) (holding that kidnapped indigenous Africans had to be sent to Spain, even though the slave trade is unlawful in the US).


Additional Bibliographic References:


Week #4: October 5, 2021 – Resistance
Readings:

The Amistad, 40 U.S. 518, 587–98 (1841)


LRPD Releases Video of Bradley Blackshire Officer-Involved Shooting, THV11, https://www.youtube.com/watch?v=ATSFjd_8iMM (Mar. 7, 2019) ** trigger warning **


*** Submit Project Description Essay in class on Week 4 ***
Note: Essay should be 1,000 words long and contain two main sections: a first section summarizing the project you are working on, followed by a second section describing in more detail how you are going to realize the project. We will give directions early in the semester. This assignment will be returned to you with comments, as well as feedback on your seminar participation.

**Week #5: October 12, 2021 – Control**

**Readings:**


_Smith v. City of New York_ 1:21-cv-03096 (E.D.N.Y.), ECF 1, Complaint, 9-21.

**Additional Bibliographic References:**


**Week #6: October 19, 2021 – Rendering Defenseless**

**Readings:**

State *v.* Mann, 13 N.C. 263 (1829) (The “master” is not liable to an indictment for a battery committed upon “his slave”)


Additional Bibliographic References:

Nestle USA, Inc. *v.* Doe, 141 S. Ct. 1931 (2021) (holding that domestic corporation can’t be sued for foreign slave labor)

Mullenix *v.* Luna, 577 U.S. 7 (2015) (reversing denial of qualified immunity because existing precedent did not place the conclusion that the shooting officer acted unreasonably “beyond debate.”)

Dred Scott *v.* Sandford, 60 U.S. 393, 15 L. Ed. 691 (1857), superseded (1868)


**Week #7: October 26, 2021 – Terror**

Readings:


LRPD Releases Video of Bradley Blackshire Officer-Involved Shooting, THV11, [https://www.youtube.com/watch?v=ATSFjd_8tMM](https://www.youtube.com/watch?v=ATSFjd_8tMM) (Mar. 7, 2019) **trigger warning**

Additional Bibliographic References:


Week #8: November 3, 2021 – Expansion/Imperialism
[NB: This is on a Wednesday, an administrative Tuesday]

Readings:

Week #9: November 9, 2021 – Displacement/Exclusion

Readings:

Week #10: November 16, 2021 – Field Trip (Location TBD)

Readings:
1619 Project and controversy & letter from liberal historians (including Gordon Woods)


[for excerpt of Foucault, start on page 31 “In European societies..” and end right before the section header III].


**Week #11: November 23, 2021 – Destruction**

**Readings:**


**Week #12: November 30, 2021 – Imagining a Just Society (Part I – Criminal Legal Process)**

**Readings:**

Mariame Kaba, “The Sentencing of Larry Nassar Was Not ‘Transformative Justice.’ Here’s Why,” in *We Do This ‘Til We Free Us*.


**Week #13: December 7, 2021 – Conclusion: Imagining a Just Society (Part II – Beyond)**
Readings:


*** Final Submissions of Project Work due on December 11 at 5:00 PM ***