



THE GRANT SAWYER CENTER FOR JUSTICE STUDIES

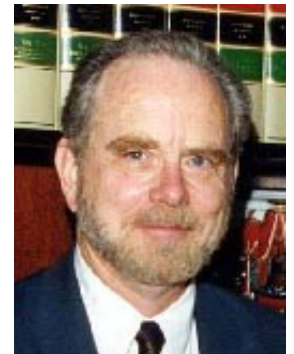
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CENTER NEWS

Incoming Center Director Sees Bright and Exciting Future

On July 1st, Dr. James T. Richardson, J.D. succeeded Dr. Ronald Dillehay as Director of the Grant Sawyer Center for Justice Studies. Also Director of the Judicial Studies Program, a faculty member of the Interdisciplinary Social Psychology Doctoral Program and Professor of Sociology at the University of Nevada, Reno, Jim's research interests include all aspects of new religious and other social movements, including particularly recruitment and participation, as well as organizational and defensive strategies. Also, governmental regulation of religious groups is a focus of study, with research being done on how minority religions are treated around the world. He has just completed editing a major book in this area entitled "Regulating Religion: Case Studies from Around the Globe". Published by Kluwer/Plenum, this 570 page volume contains 33 chapters that examine the various ways that religious groups relate to government officials. Another major area of interest involves the use of expert evidence in courts, how much judges know about science and how they make decisions about the use of evidence claiming to be scientifically based.



Message from the New Director

These are exciting times at the University, and the Sawyer Center is doing its part to develop more research and scholarly activity in the justice area. We are also involved in developing some new degree offerings, as well as scheduling some exciting public lectures from noted scholars. We want to assist faculty members with grant proposals related to justice themes. Please call and ask about our many services available to faculty.

Upcoming Speakers:

Dr. Jennifer Skeem, Assistant Professor of Psychology at University of Nevada in Las Vegas, presents:

"How Accurately Can We Identify 'Superpredators' During Adolescence? The Lure of Psychopathy"
October 16th, 2003, 12:00-1:00 p.m.

Reynolds School of Journalism Reading Room, #102, University of Nevada, Reno

Recently, Dr. Skeem was named the 2003 winner of the Saleem Shah Award for Early Career Excellence in Psychology and Law by the American Psychology-Law Society and the American Academy of Forensic Psychology. Dr. Skeem presents findings from her work on understanding the construct of psychopathic personality disorder, assessing and managing violence risk, and identifying key influences on the outcomes of probationers who are required to accept psychiatric treatment.

There is no cost to attend this colloquium, light refreshments will be provided, and 1.0 CLE Credit has been approved. Due to limited seating please call (775) 784 6272 and register if you wish to attend this event.



Professor Sarah Pike in front of a Burning Man poster from 2001 in her office at Chico State University.
(Bill Husa/Enterprise-Record)

Dr. Sarah Pike presents:
"Burning Man's Postmodern Rites of Passage."

Nov. 12th 12:00—1:00,

the Pine Lounge in the Jot Travis Student Union , University of Nevada, Reno

Dr. Pike studies religion in America, and obtained her PhD from Indiana University. Her research has focused on New Religious Movements, about which she has written numerous articles and book reviews. Using slides of her trips as illustration, she argues that Burning Man is a religious site for many participants (this year's theme was "Beyond Belief"). She will also discuss the goals and ideals of participants who believe they have created an alternative community and then examine some of the problems, tensions and ways in which Burning Man can also be a microcosm of the society participants think they left behind when they journeyed to the desert.

Affirmative Action Revisited

By Brett Bitzer, Center Research Assistant

On June 23, 2003 the Supreme Court delivered its first decisions in affirmative action cases in 25 years. In *Gratz v. Bollinger* and *Grutter v. Bollinger* the Court ruled on the constitutionality of the admissions policies of the University of Michigan and the University of Michigan's School of Law respectively. Both institutions had admissions policies that included race as a factor; the main difference being that the University of Michigan looked at an applicant's race on a group basis, while the University of Michigan's School of Law looked at an applicant's race on an individual basis. One reason why these decisions are considered particularly important is that the last time the Supreme Court ruled on affirmative action was in *Regents of Univ. of Cal. v. Bakke*, and that ruling did not produce a majority opinion. For twenty-five years, then, universities across America have been trying to implement admissions policies with no clear-cut guidelines.

The Major Rulings

Four major rulings came out of the *Grutter* (University of Michigan's School of Law) and *Gratz* (University of Michigan) cases:

1. The court confirmed that "a state does have a compelling interest in diversity that legitimately may be served by a properly devised admissions program involving the competitive consideration of race and ethnic origin." This ruling legitimizes the use of affirmative action.
2. The admissions policy must be narrowly tailored to just serve this compelling interest and it must be on an individual basis with race only being considered a "potential plus factor." Also the goal of diversity does not refer only to race; other factors can contribute to an applicant's diversity in conjunction with race.
3. An admissions policy that reviews minorities not on an individual, but on a group basis, where everyone from the minority group automatically gets extra points, is not a narrowly tailored policy. The goal then, should not be to admit a certain percentage of minority applicants, *per se*, but to admit those who truly diversify the student body.
4. Race-conscious admissions policies must be considered temporary. The Court wants institutions to eliminate their policies as soon as it is practical and adopt race-neutral ones, predicting that in twenty-five years time, the use of race preferences will no longer be necessary to further current interests.

The Fourteenth Amendment

The central legal issue being challenged in these

cases is whether the use of affirmative action policies violates the Fourteenth Amendment Equal Protection Clause. This Clause provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws" (U. S. Const., Amdt. 14, §2).

“Government may treat people differently because of their race only for the most compelling reasons.” *Justice Powell, Bakke*

Because the Fourteenth Amendment protects individuals, not groups, all "governmental action based on race—a group classification long recognized as in most circumstances irrelevant and therefore prohibited—should be subjected to detailed judicial inquiry to ensure that the personal right to equal protection of the laws has not been infringed" (*Adarand Constructors, Inc. v. Peña*, 515 U.S. at 227). According to Justice Powell, in the *Bakke* case, it follows that "government may treat people differently because of their race only for the most compelling reasons." He also added that "the guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal."

Comparing the Two Admissions Policies

In both *Grutter v. Bollinger* and *Gratz v. Bollinger* the petitioners were Caucasians that were rejected by University of Michigan or University of Michigan's School of Law, but were well qualified compared to some minority students that were accepted. If the petitioner's had been minorities, based on the admissions policies, they would have both been accepted to the institutions.

The Dean of the University of Michigan's School of Law stated that its goal was to enroll a "critical mass" of minority students, and by doing this, "ensure their ability to make unique contributions to the character of the law school." During the cases expert studies were cited that reported learning benefits in a diverse student body, as well the benefits of a diverse student body in terms of preparation for work in an increasingly diverse workforce.

Ultimately the Supreme Court ruled that the Equal Protection Clause does *not* prohibit the Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body. Therefore this type

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of affirmative action was constitutionally upheld since the admission's program looked at each applicant individually and awarded points based on what the applicant could contribute to the diversity of the student body. In this policy, race was a potential "plus factor," but it was not the *only* factor used in determining an applicant's diversity.

“Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake.”

Justice Powell, Bakke

In contrast, the University of Michigan's admission's policy was a point-based system where an applicant needs at least 100 points to be admitted to the institution. Every member of a minority is awarded 20 points for being a member of an underrepresented group, considered by the University to include African Americans, Hispanics, and Native Americans. Since it was undisputed that the University admits virtually all qualified applicants from these groups, the court considered that the University's policy was not 'narrowly tailored' to achieve the goal of educational diversity. In *Bakke*, Justice

Powell reiterated that "preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake" (438 U. S., at 307). He then explained, however, that in his view, it would be permissible for a university to employ an admissions program in which "race or ethnic background may be deemed a 'plus' in a particular applicant's file" (*Id.*, at 317). He explained that such a program might allow for "the file of a particular black applicant to be examined for his potential contribution to diversity without the factor of race being decisive when compared, for example, with that of an applicant identified as an Italian-American if the latter is thought to exhibit qualities more likely to promote beneficial educational pluralism" (*Ibid*). Such a system, in Justice Powell's view, would be "flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant." The court concluded that the University's admissions policy violates the Equal Protection Clause of the Fourteenth Amendment.

The Supreme court decisions are not expected to affect Nevada's higher education system since no limit is placed on the number of undergraduate students who can be accepted, as long as they meet scholastic requirements.

Casino Gambling: Its Impact on Quality of Life

By Julie Singer, Center Research Assistant

Mark Nichols and B. Grant Stitt, from the Departments of Economics and Criminal Justice, respectively, at the University of Nevada, Reno, have been collaborating with David Giacomassi from the University of Memphis on studies involving effects and perceptions of gambling casinos on a set of communities that have recently adopted them. Their studies have brought several interesting points to light.

Casino gambling and personal bankruptcy rate. There is the idea that casinos increase bankruptcy filings in a given city, due to problems of compulsive gambling. Nichols, Stitt, and Giacomassi (2000) looked at eight cities that adopted casino gambling and compared them to eight similar cities without gambling. They found that in seven of the eight locations with casino gambling there was an increase in personal bankruptcy filings, five of these being statistically significant. However, one city actually reported lower numbers of bankruptcy filings after the introduction of gambling. The findings suggest that casino gambling is associated with higher numbers of bankruptcy filings in the surrounding area unless the casino is part of a "destination resort," where people travel to gamble and the casino provides jobs and income for locals.

Casinos and crime. There is the perception among many that introducing casino gambling to a city will lead to increases in crime. To see if this perception is justified, Stitt, Nichols, and Giacomassi (2003) examined the crime rates of six cities before and after the introduction of legalized gambling and compared them with six comparable cities without gambling. They found no clear relationship between gambling and crime rates, although some types of crime were greater (e.g., aggravated assault) and some were less (e.g., embezzlement) in casino communities.

Community impact of casinos. A community which chooses to support a casino may have mixed emotions about bringing this kind of establishment into their city. Nichols, Stitt, and Giacomassi (2002) polled residents of eight communities that had adopted casino gambling gathering their perceptions of the effect on their quality of life. They looked at five factors: perceptions of prevalence of crime, fear of crime, standard of living, whether the community was a better or worse place to live, and, quality of family life. They found that the presence of the casino had little impact on all but the last factor: Quality of family life. Interestingly, though, equal numbers of respondents indicated that the presence of the casino had improved or worsened the



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Mail Stop 313
University of Nevada, Reno
Reno, NV 89557-0027

Phone: 775-784-6272
Fax: 775-784-6273
Email: cjs@scs.unr.edu

Casino Gambling contd.:

quality of their family life. In a similar study, Nichols, Giacompassi, and Stitt (2002) polled residents on their perceptions of the casinos as they related to economic development in their cities. Overall, respondents saw the casinos as a means of stimulating economic development; however, the strength of this response was influenced by residents' proximity to the casino, the structure of that particular industry, and their demographic (e.g., gender, gambler vs. non-gambler).

Community leaders' perceptions of casinos' impact. In this study, community leaders rather than residents were polled regarding their perceptions of the impact of casino gambling on their cities. Giacompassi, Nichols, and Stitt (1999) interviewed 128 elected officials, peace keepers, business leaders, and social service providers and asked their opinions on the casinos' impact on crime and quality of life. They found that the majority of community leaders agreed it improved the local economy and the extent of this positive impact was a major contributing factor to the attitude regarding the overall impact of the casino on the community. However, those that dealt more directly with the problems associated with gambling (e.g., social service providers) tended to see the casinos in a negative light and were least in favor of the casinos staying in the community.

Levels of problem gambling in senior citizens. Stitt, Giacompassi, and Nichols (2002) sought to assess levels of gambling among the elderly in six communities that had recently opened casinos.

While the data suggest that higher numbers of senior citizens (in this study, age 63 and older) visit casinos than younger patrons, they generally manage their money more effectively and have fewer gambling problems than younger customers.

Partial list of publications:

Giacopassi, D., Nichols, M., & Stitt, B.G. (1999). How do casinos affect communities? *Business Perspectives*, 11, 23-27.

Nichols, M., Giacompassi, D., & Stitt, B.G. (2002). Casino gambling as a catalyst of economic development: perceptions of residents in new casino jurisdictions. *Tourism Economics*, 8(1), 59-75.

Nichols, M., Stitt, B.G., & Giacompassi, D. (2002). Community assessment of the effects of casinos on quality of life. *Social Indicators Research*, 57, 229-262.

Stitt, B.G., Giacompassi, D., & Nichols, M. (2003). Gambling among older adults: A comparative analysis. *Experimental Aging Research*, 29, 189-203.

Nichols, M., Stitt, B.G., & Giacompassi, D. (2000). Casino gambling and bankruptcy in new United States casino jurisdictions. *Journal of Socio-Economics*, 29, 247-261.

Stitt, B.G., Nichols, M., & Giacompassi, D. (2003). Does the presence of casinos increase crime? An examination of casino and control communities.

Visit us on the Web!

The Grant Sawyer Center has a number of useful, justice-related resources on the web at:
<http://www.unr.edu/justicestudies>

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