

Tracey Meares & HKG EDIT v2 071522

[MUSIC PLAYING]

This is Inside Yale Law School, the podcast series designed to give you a peek inside to the scholars, the thinkers, the teachers, and the game changers of Yale Law School. I'm Heather Gerken, the dean, here to open a little window into the world of this remarkable place.

My grandmother, Velma Louise Carey, she was my favorite person in the world. She was an unbelievable human being. And she always taught me that my life was not my own and that it was my job to take care of others, in particular, people in our community.

Welcome, everybody. Today, I have with me Tracey Meares, the Walton Hale Hamilton Professor and a founding director of the Justice Collaboratory. Tracey, thank you for being here.

Happy to do it.

So it's really nice to have you here. And mostly, we're going to talk about your work. But I want to talk a little bit about how it all began. So why law?

Why law? That's an interesting question that, probably, my college roommates would also want to know the answer to because it wasn't the original plan. I was an engineer undergrad. And I decided to be an engineer after thinking that being a doctor probably wasn't the best path for someone like me. I was a 16-year-old misanthrope.

You're still a misanthrope.

[LAUGHS] Yeah, but having children mellows you out a bit, I think. Anyway, I think it was probably me trying to seek a path to doing good in the world, honestly. And once it became clear that going to medical school after getting the engineering degree still wasn't going to be the best path, being a lawyer seemed to be a good option.

Was it a hard transition to go from engineering, which appeals to all your Spock-like characteristics, into law?

No. I think that was a developmental milestone, actually, for me. I was a kid who did well in school for 15 years without really trying. And law school was so challenging. And I also really loved it.

So you go from solving equations every day and thinking three-dimensionally to reading, reading, and more reading, and writing, which I hadn't really done much of for four years in college. And it was fascinating.

The work was fascinating. The people around me were fascinating. I went from the University of Illinois to the University of Chicago, which seemed very rarefied to the country, corn-fed kid. And it was a great time.

I remember writing a letter to my mother when I was in law school, back in the days when you wrote letters because you wanted to save money because long-distance phone calls cost money. And it's a letter she still has where the last three sentences of the letter were, "I love it! I love it! I love it!" with exclamation points-- cheesy but true.

When you went to law school, University Chicago was in its heyday, I think, the law school where you were both a student and then a faculty member. When you arrived, did you have an inkling that you were going to be an academic?

No. It's funny to say that University of Chicago was in its heyday. I mean, I'm sure people there would say, well, it's had many heydays. But it's true. I was there when Richard Posner was still on the faculty and Jeff Stone, who later became provost, was the dean. And you could go through the list of illustrious faculty then and people, some of whom became our colleagues here at Yale, where our junior colleagues-- Elena Kagan was on the faculty at that time.

I had no idea that I was going to be a law professor. My thought was that I would integrate engineering with law and be a patent lawyer. That seemed like something fun. And one of my professors-- actually, it was Jeff Stone-- asked me if I had thought seriously about being an academic my second year in law school. And he planted the seed. And here we are.

You became a member of that faculty right after you graduated from law school. What was it like to teach people who were essentially your peers?

Petrifying, confusing, the hardest thing I've ever done in my life. I think being-- I was the only person of color on the faculty at that time and one of few women on the faculty. I was also 25 years old. And 25 years later, I'm still a woman, and I am still a person of color. I am no longer 25 years old. And I think that's the hardest thing-- that was the hardest thing about teaching at the University of Chicago at that time.

So you are one of the leading theorists of criminal justice work in the country. Was that in your heart when you were in law school?

When I was in law school, I would say no. I was just hungry, intellectually hungry, in law school. I basically took the courses that interested me. And it's still a piece of wisdom I try to pass on to students today. I don't know how many of them are able to follow it, given the seeming pressure that students put on themselves for planning their careers at however old they are in law school now.

And I'm unsure, the idea that, well, you have to take this class and this class and this class. I gave up taking tax, which is one of the classes that people think you ought to take, in order to take intellectual origins of the Constitution with Stephen Holmes. Because I knew I would never have an opportunity to take a class like that again. And I figured I could learn tax if I needed it, whatever that means.

So that was my path. And when I started teaching, I wasn't especially interested in criminal law, really. My first pieces were on professional responsibility and how to think about incentives for prosecutors, so I suppose related a bit to the criminal justice system but not what I'm doing now. That was, again, something I fell into out of conversations with another mentor, William Julius Wilson, who was teaching at Chicago at the time.

I took election law on a whim and took it instead of evidence over the objection of everyone who thought I should learn evidence for the bar.

Did you ever take evidence?

Nope.

Well, you learned it for the bar.

Enough.

Right. So if we can fast forward a little bit to the kind of work you do, if you had to describe the buckets of your scholarship to someone who was outside the field, what would you say?

So it's interesting. We were just speaking of William Julius Wilson-- Bill Wilson-- who recently retired from Harvard. It was my interaction with him that led to a deep interest in a particular school of sociology, how

to understand the structure of neighborhoods. And this was during the mid-'90s, when violent crime was extremely high, throughout the country but especially in the Chicago.

And I became interested in trying to understand the dynamics of that and how one might think about what law would have to say about that in a context in which much of the legal analysis about crime was individually based and also based in a particular theory of law and economics.

So I would say the first tranche of my work was about thinking about how one could think about how legal policy could influence the choices of "the community," in quotes, people who were neither victims of crime in the first instance nor people who were committing those crimes but still had an influence on crime in place. And then the second-- the evolution of that was to look at what social psychology had to say.

So if the first area of the research was about what do community dynamics look like, the second iteration was to take the individuals within those contexts and think about how they understood the influence of law and legal authorities in their lives. And then the third area that I've been thinking about lately has a more political science bent, which is to say, let's bring those two areas together and think about how people within space, interacting with legal authorities, understand themselves as citizens.

So let's fast forward a little bit. We arrived at Planet Yale together, both of us pregnant--
Pretty good way of putting it.

--with our sons. And I'm wondering what you thought when you arrived here. I felt like coming from Harvard was a really different place. I think it has more continuities with Chicago than it does with Harvard. So I'm curious how you found it.

I think, for me, after being at Chicago, it's hard to be at a place that doesn't offer the basics of what I think Chicago stands for, which is a deep commitment to the life of the mind, a commitment to understanding what one's colleagues are working on, a commitment to trying to work on those two ideas, those two projects, together as a faculty.

And I saw all of those things here. So it felt pretty comfortable for me. The water was the right temperature. It was just a much bigger pool, which is a funny metaphor because I'm not a particularly strong swimmer. [LAUGHS] So why I would care about a big pool, I don't know. But a little less communal than Chicago. That was odd for me.

A lot of the conversations were one on one. And I'm a person who likes to make lots of connections, horizontal connections rather than the vertical connections that I have with people. But it was fascinating. So that's the first thing. Notice I'm focusing on the faculty. The thing that's the most notable about this place is the students.

Amen.

They are a different collection of humans. Now, I'm trying to be careful when I say that. Because I am sure that our students aren't fundamentally different from Chicago students or Harvard students. So I'm not trying to make that argument as much as I'm trying to say that they are extraordinary people, like many other people are extraordinary. But this place allows people to be extraordinary. And that sort of alchemy is special.

Yeah, I felt exactly the same way, that the students were engaged in the life of the mind and the projects in front of the faculty in a fashion that I just never imagined. I lost control of my seminar the first two weeks, which I never did, because I was worried about them talking in it. And all of the sudden, I discovered they were talking too much.

Yeah, right?

So maybe talk a little bit about the fact that, even as you embody these scholarly values, you are also in the world a lot. And the stereotype, of course, is that there's a giant divide between practice and theory. But you've done work for the Obama administration in this area. You founded the Justice Collaboratory. I wonder if you could just talk a little bit about where your ideas have led you into the world and what you've been doing there.

Yeah. Right. So I've done work at the national level. I do work with municipalities. I do work for and with state governments all about the general project of criminal justice reform, although in the last five or six years, the primary focus has been on thinking about policing.

You embody the values of a scholar in a clear way. But you also do a lot of work in the world. And the practice-theory divide suggests that you shouldn't be doing both of those things, and I wonder how you manage it and also if you could talk a little bit about the kinds of work you're doing right now.

Yeah, the practice-theory divide in the area of law is a notion that is illegible to me, honestly. If you are a lawyer, I think the questions that motivate you, the basic questions, are ones that should matter in the world. It's hard for me to imagine how they don't matter in the world. In that sense, I'm probably betraying my initial training as an engineer. And engineers apply science that, I suppose, at some level, physicists and material science researchers and so on develop. And they do it for a reason.

Now, that might suggest, then, that what a practitioner is doing is merely just applying what someone else has developed. But there needs to be some sort of basic science behind those questions, like understanding what citizenship means. Certainly, political scientists can answer that question and maybe certain kinds of philosophers.

But lawyers have a deep, abiding interest in that question. And I think they care about it. Because we care about what happens in the world. So I would say where my work has taken me, if you think about the work I've done on violence reduction and understanding how people relate to one of the key legal authorities in their lives, the police, and then understanding how that relates to how people understand themselves as citizens, if you think about those three things and you think about the work I did on the president's task force on 21st-century policing, it all make sense.

And the 59 recommendations that we came up with for President Obama to think about how to improve trust in legal authorities like police officers while maintaining-- while keeping people safe in their communities, it's an intensely practical question, but it's also an importantly theoretical and aspirational one that's consistent with the work I've been doing for the last 20 years and other people who have been working with me.

If I think about the most Meares-like thing at the law school, I think it is the Justice Collaboratory. I know you have a really punchy shorthand for it, but I wonder if you can talk a little bit about what it does.

Because I see it as a scholarly institution, an institution with real-world impact, and also a connective device inside the university. And so it embodies everything that you are. I'm just curious how you think about it.

Yeah, the Justice Collaboratory has been one of-- developing it and working with Tom Tyler, who is my co-founder and dearly beloved colleague, Tom has developed, is the godfather, of one of the bedrock theories on which the Justice Collaboratory sits, which is procedural justice, which is a poor name for the theory. But it's about how we think-- what are the four things that are important in thinking about how people relate to legal authorities, what they care about. And I can talk about it if you want to.

But I want to skip ahead to say that through our work at the Collaboratory, we've been able to push forward the basic science of that idea to be constantly at the forefront of just what is it? What are the things that people actually care about in thinking about the fairness of legal authorities, which is a critically important question always but certainly today, and also developing tools, applications, programs to apply those ideas in the real world by working with, for example, the Mayor's Office of Criminal Justice in New York or working with the corrections office of the state of Connecticut or working with then-Attorney General Kamala Harris in the state of California or working with President Barack Obama for the United States Department of Justice.

Our tagline is "serious science, serious impact." And we mean it. What that means is we won't do research that's just a project evaluation or program evaluation. That work is valuable, and there are other entities out there that can do that.

We also don't devote ourselves to technical assistance, just helping different governmental entities doing this work, which is also valuable, and someone needs to do it. We won't do it unless it actually pushes the science forward. And so it's a really interesting position to be in, to do both of those things at one time. It's incredibly rare, and we've been very lucky. And part of the reason why we can do it is because the Justice Collaboratory members include people who are leaders, scientists who are leaders, in their field.

One of the Justice Collaboratory members is Jennifer Richeson, who's a social psychologist who does work on political psychology and race, a MacArthur Genius Award-winner. One of our Justice Collaboratory members is BJ Casey, who developed much of the neuroscience cited by Bryan Stevenson in his brief before the Supreme Court. Another one of our Collaboratory members, historian Elizabeth Hinton, who wrote an award-winning book looking at the relationship between poverty programs and the criminal justice system today and is a key architect of thinking about strategies of reconciliation among communities and state authorities, another psychologist, Phillip Goff, who has received, I think, almost-- well, well over \$10 million from the recent TED Audacious competition to do his important work on equity and policing.

So we have a diversity of disciplinary representation within Yale but also outside Yale as a scholarly endeavor, as well as being able to do the work on the ground outside Yale. So it's a pretty heady mix. Can you talk a little bit in a more granular way about the work that you do with police chiefs across the country? Every time I talk to you, you're always on the road going to see someone in New York, someone in Chicago, and so on. I'm just curious if you could talk a little bit more about, what are you doing day to day with those forces, and what have you learned from that work?

Well, I think a lot of that goes back to the work we did on the president's task force. So we developed-- so we, I should be very clear what I'm talking about right now. I was one of two scholars on the president's task force on 21st century policing. There were police chiefs. There were activists. It was an incredibly diverse group of people, and Bryan Stevenson, who's in his own category.

So we developed 59 recommendations. The first pillar of those recommendations rested on research that Tom and I have done on procedural justice and legitimacy and improving trust in authorities. So that's the JC connection. After those recommendations were developed, the COPS Office then adopted an implementation guide, the kinds of things that agencies and departments should be doing in order to push forward these 59 recommendations.

So some of the work that I do has to do with developing training for policing agencies related to those recommendations. There was a very large national initiative for building trust in justice in communities

sponsored by the Department of Justice in the last administration. Tom and I, through the Justice Collaboratories, were principal investigators on that, along with the Center for Policing Equity and the National Network for Safe Communities at John Jay.

So we mounted a very large and relatively complex strategy of police training, reconciliation activities, and assessment tools for police departments in six cities across the country. So some of the work was related to that.

And then those two things come together to spawn other projects where people understand that it is really difficult to achieve violence reduction apart from reform. That's one of the central ideas that we have at the Collaboratory that, because we know when you enhance perceptions of fairness and enhance legitimacy in communities, people are more likely to obey the law. They're more likely to engage with authorities, cooperate with them, in this general project of promoting safety and then other projects. And so some of the work I do is about advising governments in that context. I also serve on the Monitoring Team of the Baltimore Police Department. And that's been incredibly interesting work. That's incredibly granular, so helping them to write policies, specific policies, for the police department, think about ways in which to assess their ability to follow those policies and ensure that members don't violate the policies and, therefore, constitutional law, things like that.

If you can name one piece of scholarship and one piece of reform work that make you proudest, the second one being in the spirit of your grandmother, who believed in service, what would those be? Well, the service one is obvious. The piece of service is serving on the president's task force. That was life changing, life changing in so many different ways. We traveled around the country, listening to people talk about the ways in which they had been harmed by police, what their aspirations were for what that particular relationship should look like. We talked to police members who were deeply disappointed in what they had been expected by their superiors to do. We talked to municipal leaders who were struggling to figure out how to come up with a governance strategy to help people in their communities. And understanding the potential, again, for different theories and, in particular, the theory that I had been studying for the last 10 years, to have a really deep impact on people's lives in terms of their flourishing was really humbling. Understanding the potential to simply save people's lives was incredibly humbling. And also, understanding that saving people's lives by reducing the number of people who would be killed or harmed by police, while important and more humane, was not the ultimate goal. It wasn't a citizenship project-- not a citizenship project. It is a fundamentally different, grander thing. And if I learned anything from my grandmother, it would be that I should be aiming for that grander thing.

You do this incredible academic and reform work. I will also just say that I see you every day doing the invisible work of citizenship at this university. And now, as dean, I know even in a much more broad-gauged way about the ways in which you are the glue that sticks parts of this academic community, particularly for the scholars of color at the university, together. And it's a lot of work. It's time that's unrewarded, often unnoticed by most people. And I wonder, how do you think about that work?

I have to live. I have to have a life. And we were talking about my grandmother earlier. We should say a little bit more about what that means. My grandmother, Velma Louise Carey, she passed well over 10 years ago now, right about the time that I moved to Yale.

She was my favorite person in the world. She was an unbelievable human being. She became director of human resources at Sangamon State University in Springfield, Illinois, and had only a high school degree. And she was completely self-taught in every way, a civil rights activist and a pillar of her community.

And that sounds like it would be, or could be, a burden. And sometimes it is. But she always carried that task out herself with joy. I learned that from her. Making people happy makes it easier for all of us to do the work.

Thank you for making things different, Tracey.

Thank you for letting me do that, Heather.

[MUSIC PLAYING]