

University of Miami
School of Law

THE WIRE (LAW 620AW)

SYLLABUS

Professor D. Marvin Jones

Spring 2020

INTRODUCTION

The WIRE was an acclaimed television series that examined the urban crisis against the backdrop of Baltimore's inner city.

This course will examine critical issues at the intersection of race, space, and law using stories, vignettes and episodes from **The WIRE** as a lens. The scope of our discussion will include: The issue of the legitimacy and efficacy of the drug war; the issue of race and the criminal justice system generally, and the War on Drugs in particular; the issue of race and the media, particularly the role of the media in perpetuating stereotypes; and finally the relationship between law and justice.

Readings will be interdisciplinary and will include not only substantive legal materials, but also a refreshing number of articles and books drawn from history, urban studies, and social theory. The stories, vignettes and themes from the film series, will serve to launch and provide a context for all readings and class discussions.

The purpose of the course is to provide law students with a critical understanding of constitutional issues in an urban context. This is designed to provide grounding for lawyers who will work as prosecutors or defense attorneys, judges, or legislators.

The Syllabus is divided into two parts. In Part One, I set forth the readings which are required and additional readings which, while not required, are suggested. Please note that several of the classes include short writing assignments of 300-800 words.

In Part Two, I set out the requirements for the course including class attendance policies. For this course, students must write a final paper of at least 20 pages in length. Maximum length is 35 pages. In addition, there are several short papers. Between the short papers and the final paper, students will satisfy their writing requirement. In Part Two, I also set forth the requirements for the final paper and the final paper topics.

PART ONE:

Required Texts:

Adam Gershowitz, *THE WIRE: CRIME, LAW, AND POLICY* (Carolina Academic Press 2013) (hereinafter *The WIRE*)

D. Marvin Jones, *DANGEROUS SPACES: BEYOND THE RACIAL PROFILE* (Praeger 2016) (hereinafter *DANGEROUS SPACES*)

D. Marvin Jones, *FEAR OF A HIP-HOP PLANET: AMERICA'S NEW DILEMMA* (Praeger 2013) (hereinafter *Fear of a Hip-Hop Planet*)

(Excerpts from my books for all class assignments will be provided. However, to get the full benefit and enjoyment of these texts, it is important to read the entire book.¹)

Course Assignments:

I. Introduction: The Context of *THE WIRE*

SESSION ONE: "HOW DO YOU GET FROM HERE TO THE REST OF THE WORLD?"

Subject Matter: (1) The social isolation of the inner city: de-industrialization, disinvestment, social disorganization; (2) Violence, drugs, and prohibition; (3) individual responsibility v. structural discrimination

Required Viewing: *THE WIRE*: Season 1, Episodes 1-3 "The Target, The Detail, The Buys"; Also review: *THE WIRE*, Season 4, Episode 3, "Home Rooms"

Required Reading:

DANGEROUS SPACES: pgs. 17-35

FEAR OF A HIP -HOP PLANET: pgs. 47-60

Paul Goldstein, *The Drugs/Violence Nexus: a Tri-Partite conceptual Framework*, *Journal of Drug Issues*, Vol 39, pages 1-17

Suggested Reading:

Elijah Anderson, *Down Germantown Avenue*, from *THE CODE OF THE STREET: DECENCY, VIOLENCE AND THE MORAL LIFE OF THE INNER CITY*, pgs. 15-66

William W. Goldsmith, *The Drug War and Inner City Neighborhoods*, pgs. 248-256

¹ Both books are available at Amazon.com

Assignment: Write a short essay of 300–750 words on defining the problem: Is drug abuse in the inner-city context a criminal justice problem? Or is it a symptom of despair linked to social isolation? Can we hold socially disadvantaged individuals fully responsible regardless of social conditions?

For your convenience, copies of all readings for Session One are posted on TWEN

SESSION TWO: THE FORTY YEARS WAR

The origins of the drug war; the historical context of massive incarceration; the statutory framework: mandatory minimums, three strikes laws; crack-cocaine disparity; the role of the law in addressing racial disparities

Required Viewing: THE WIRE: Season 3, Episode 12 “Mission Accomplished”

Required Reading:

FEAR OF A HIP-HOP PLANET: pgs. 60-80

Adam Gershowitz, THE WIRE: pgs. 317-343

Michelle Alexander, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLOR-BLINDNESS, pgs. 57-94 (2010)

Nunn, Kenneth B, *Race, Crime and the Pool of Surplus Criminality: Or Why the War on Drugs Was a War on Blacks*. J. Gender Race & Just. pgs. 381-446 (2002)

Suggested Reading:

Loic Wacqaunt, DEADLY SYMBIOSIS: WHEN GHETTO AND PRISON MEET AND MESH, <http://www.uakron.edu/centers/conflict/docs/Wacquant.pdf>

Michael Tonry, Chapter 3 *Race and the War on Drugs*, pgs. 81-125 in MALIGN NEGLECT: RACE, CRIME AND PUNISHMENT IN AMERICA (1996)

Geiza Vargas-Vargas, *White Investment In Black Bondage*, 27 W. NEW ENG. L. REV. 41 (2005)

INNER-CITY SCHOOLS

SESSION THREE: “HOME ROOMS”

Subject Matter: Resegregation of inner city schools; concentration of poverty; culture of poverty thesis; zero tolerance; school to prison pipeline.

Required Viewing: THE WIRE: Season 4, Episode 3 “Home Rooms”

Required Reading:

Gershowitz, THE WIRE: pgs. 3-7

Gary Orfield, *Brown at 50: King’s Dream or Plessy’s NightMare*, (2004)
<http://www.eric.ed.gov/PDFS/ED489168.pdf>

D. Marvin Jones, *The Original Meaning of Brown: Seattle, Segregation and the Rewriting of History: For Michael Lee and Dukwon*, 63 U. Miami L. Rev. 629 (2009)

Nancy Heitzig, *The School to Prison Pipeline: Education, Discipline and Racialized Double Standards* (Praeger 2016) pgs. 1-16

Alyssa Battisoni, *The Culture of Poverty Myth Returns*, *Salon*, October 22, 2010

Suggested Reading:

DANGEROUS SPACES, “Lessons From the Second Civil War”, pgs. 211-234

Nick Lewin, *The No Child Left Behind Act of 2001: The Triumph of School Choice Over Racial Desegregation*, 12 *Geo. J. Poverty Law & Pol’y* 95, (2005)

Tukufu Zuberi, Eduardo Bonilla-Silva, “The Children of Sanchez in the Inner City: Echoes of the Culture of Poverty in Recent Social Capital Approaches” in *White Logic, White Methods: Racism and Methodology*, from Eduardo Bonilla Silva, *RACISM WITHOUT RACISTS: COLOR BLIND RACISM AND INEQUALITY IN CONTEMPORARY AMERICA*, pgs. 144-151.

The War on Crime

SESSION FOUR: STRAY BULLETS: VIOLENCE IN THE INNER CITY

Subject matter: The causes of the violence, the context of the violence: The moral life of the inner city, decent families, social disorganization, gang violence, drug violence.

Required Viewing: THE WIRE: Season 2, Episode 9 “Stray Rounds”
Season 3, Episode 3 “Dead Soldiers”

Required Reading:

THE WIRE: pgs. 7–17

Jeffrey A. Miron, *DRUG WAR CRIMES: THE CONSEQUENCES OF PROHIBITION* (2004),
Chapter 4: Prohibition and Violence

Elijah Anderson, *Down Germantown Avenue*, from THE CODE OF THE STREET: DECENCY, VIOLENCE AND THE MORAL LIFE OF THE INNER CITY, pgs. 15-66

Elijah Anderson, Chapter 3-Drugs, *Violence and Street Crime*, pgs. 107-141 from the CODE OF THE STREET, *supra*

William Julius Wilson, WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR, pgs. 59-61

The Plight of African American Men in Urban America: Hearings Vol. 22-23

SESSION FIVE: “IT’S ALL ABOUT THE BENJAMINS”: THE ECONOMICS OF DRUG DEALING

Required Viewing: THE WIRE: Season 3, Episode 12 “Mission Accomplished”

Required Reading:

Leavitt, Steven and Venkatesh, Sudhir. 2000. “*An Economic Analysis of a Drug-Selling Gang’s Finances.*” The Quarterly Journal of Economics 115(3), pgs. 755-789

Pearson, G and D. Hobbs. 2003. “*King Pin? A Case Study of a Middle Market Drug Broker.*” The Howard Journal of Criminal Justice 42. pgs. 335-347

Hagedorn, John M. “*Neighborhoods, Markets, and Gang Drug Organization.*” Criminal Justice Policy Review 20, pgs. 236-246 (2009)

Fagan, Jeffrey. “*The Social Organization Of Drug Use And Drug Dealing Among Urban Gangs.*” Criminology 27(4), pgs. 633-670 (1989)

SESSION SIX: EXCESSIVE FORCE

Required Viewing: THE WIRE: Season 1, Episode 3 “The Buys”

Required Reading:

THE WIRE: pgs. 417–448

Scott v. Harris, 550 U.S. 372; 127 S. Ct. 1769; 167 L. Ed. 2d 686 (2007)

Suggested Reading:

Daniel W. Chen and Al Baker, *New York to pay \$7 million in police shooting case*, *The New York Times*, July 28, 2010

Greg Reisling, *Calif. readies for riots after white cop gets non-murder conviction*, Charleston Gazette, July 9, 2010

Chip Johnson, *Report knocks cops in Grant shooting; ON THE EAST BAY*, The San Francisco Chronicle, C1, August 25, 2009

Demian Bulwa, *Ex-cop to stand trial for murder; BART POLICE SHOOTING; Judge says he doesn't believe Taser story*, The San Francisco Chronicle, A1 June 5, 2009

50 Bullets, No Conviction, *The New York Times*, April 26, 2008, pg. 20

SESSION SEVEN: “EVERYTHING’S CONNECTED”: TARGETED COMMUNITIES, BROKEN WINDOWS AND RACIAL PROFILING

Subject Matter: Comstat, Broken Windows, racial profiling, and the problem of controlling police discretion.

Required Viewing: THE WIRE: Season 4, Episode 10 “Misgivings”

Required Reading:

THE WIRE: pgs. 110-115, 328-331 (REREAD)

DANGEROUS SPACES: pgs. 41–56, 57-77

Illinois v. Wardlow, 528 U. S. 119 (2000)

Reed Collins, *Strolling While Poor: How the Broken Windows Policing Created a New Crime in Baltimore*”, 14 Georgetown Journal on Poverty Law and Policy 491 (2007)

Suggested Reading:

Amy Ronner, “*Fleeing While Black: The Fourth Amendment Apartheid*”, Columbia Human Rights Review 32 (2001), pg. 383

Floyd. v. New York, 813 F. Supp. 2d. 457 (2011);

<http://www.leagle.com/decision/In%20FD%20CO%2020111125587/FLOYD%20v.%20CITY%20OF%20NEW%20YORK>

Mike Clary, *High School Goes Into Repair Stage, After Melee; Miami Officials Hope For Calm*, Sun-Sentinel, March 1, 2008, p. 6B

SESSION EIGHT: DEADLY FORCE

Required Viewing: THE WIRE: Season 3, Episode 9 “Slapstick”

Required Reading:

THE WIRE: pgs. 439-446

DANGEROUS SPACES, “BETWEEN THE WORLD AND UNARMED BLACK MEN: THE KILLINGS ON OUR STREETS,” pgs. 79-99

Article: *SCOTT V. HARRIS: DEATH KNELL FOR DEADLY FORCE POLICIES AND GARNER JURY INSTRUCTIONS?*, 58 Syracuse L. Rev. 45 (2007)

Tennessee v. Garner, 471 U.S. 1 (1985)

SESSION NINE: “REFORMATION”: CLAY DAVIS, PHONY LEADERS AND THE GEOGRAPHY OF INEQUALITY

The geography of inequality in the inner city; drugs, crime, gentrification and urban reform”; the role of the political process in urban inequality; political corruption.

Required Viewing: Season 3, Episode 10 “Reformation”

Required Reading:

The WIRE:

Marc Levine, *A Third World City in the First World: Social Exclusion. Racial Inequality and Sustainable Development in Baltimore in The Social Sustainability of Cities: Diversity and the Management of Change* (edited by Mario Polèse, Richard E. Stren 2000) pgs. 123 -157

Lani Guinier, *The Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success*, 89 Mich. L. Rev. 1077 (1991)

Suggested Reading:

Marion Orr, *BLACK SOCIAL CAPITAL: THE POLITICS OF SCHOOL REFORM IN BALTIMORE, 1986-1998*

SESSION TEN: INFORMANTS AND SNITCHING

Required Viewing: Season 1, Episode 12 “Cleaning Up”
Season 1, Episode 13 “Sentencing”
Season 2, Episode 6 “All Prologue”

Required Reading: The WIRE: pgs. 363-372

Note: "Ain't No Snitches Ridin' Wit' Us": How Deception in the Fourth Amendment Triggered the Stop Snitching Movement, 70 Ohio St. L.J. 705 (2009)

The Media and Race

SESSION ELEVEN: "GOOD NIGHT HOPPERS": THE WIRE AND THE SOCIAL CONSTRUCTION OF THE GHETTO

Required Viewing: THE WIRE: Season 5, Episode 7 "Took"

Required Reading:

THE WIRE: pgs. 475-486

Stereotypes, Archetypes and antitypes in film; the role of the media in perpetuating the ghetto

"Another Country: The Nightmare on Our Screens from D. Marvin Jones, FEAR OF A HIP-HOP PLANET: AMERICA'S NEW DILEMMA, pgs. 1-40

Stephen Macek, URBAN NIGHTMARES: THE MEDIA, THE RIGHT, AND THE MORAL PANIC OVER THE CITY, (2006) pgs. 37-69

Murray Forman, THE HOOD COMES FIRST, Chapter Eight, *Urban Geographies of Danger and the Cinematic Hood Genre*, pgs. 252-274

Suggested Reading:

WHY OUR DRUG LAWS HAVE FAILED: A JUDICIAL INDICTMENT OF THE WAR ON DRUGS (Temple University Press 2001), pgs. 47-79

SESSION 12: "HAMSTERDAM": THE DECRIMINALIZATION DEBATE

Required Viewing: THE WIRE: Season 3, Episode 4 "Hamsterdam"

Required Reading:

THE WIRE: pgs. 211-245

FEAR OF A HIP -HOP PLANET: "The Trial of Howard Colvin" pgs. 235-244

PART TWO:

FINAL PAPER REQUIREMENTS

For this course, students must write a final paper of at least 20 pages in length. Maximum length is 35 pages. The topics and instructions will be discussed on Monday, January 13th.

ATTENDANCE

Students are expected to attend regularly and to be on time. Regular attendance means no more than three (3) unexcused absences. After (3) unexcused absences, I respectfully reserve the right to drop the student from the class. Of course life happens. Sometimes there are circumstances beyond the control of the student. If you must be absent, the Law School rules require that you notify the Dean of Students of your absence by completing the on line form which can be found at <http://www.law.miami.edu/students/dean-of-students>. But again, you are only allowed three (3) unexcused absences.

OFFICE HOURS

Office hours will be held on in Mondays from 11:30a.m.-12:30p.m. and Wednesdays from 12:00 noon until 1:30p.m. in Room G-475. My office telephone is (305) 284-6314 and email is djones@law.miami.edu. My assistant is Alina Hernandez at (305) 284-4438 or email at: ahernandez@law.miami.edu.

DISABILITY SERVICES

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact Jessie Howell, Director, Accessibility & Student Inclusions at the Office of Disability Services for information about available opportunities, resources, and services. Her phone number is 305-284-9907, and her email address is jhowell@law.miami.edu. You may also visit the Office of Disability Services website at www.law.miami.edu/disability-services.

TITLE IX

The University of Miami seeks to maintain a safe learning, living, and working environment free from all types of sexual misconduct including but not limited to: Dating Violence, Domestic Violence, Sex- or Gender-Based Discrimination, Sexual Assault (including Sexual Battery), Sexual Exploitation, Sexual Harassment, and Stalking. For additional information about the University's efforts to prevent, stop, and address sexual misconduct, including resources and reporting options, please visit www.miami.edu/titleix or contact the University's Title IX Office at titleixcoordinator@miami.edu.