

JUST MERCY



Just Mercy

Curriculum Guide

Journeys in Film
www.journeysinfilm.org



Educating for Global Understanding

www.journeysinfilm.org

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About Journeys in Film

Journeys in Film is a 501c(3) nonprofit organization that amplifies the storytelling power of film to educate the most visually literate generation in history. We believe that teaching with film has the power to help educate our next generation with a richer understanding of the diverse and complex world in which we live.

We transform entertainment media into educational media by designing and publishing cost-free, educational resources for teachers to accompany carefully chosen feature films and documentaries while meeting mandated standards in all core subjects. Selected films are used as springboards for lesson plans in subjects like math, science, language arts, social studies and more. Our resources support various learning styles, promote literacy, transport students around the globe, and foster learning that meets core academic objectives.

In addition to general subject areas, Journeys in Film's programs engage students in meaningful examinations of human rights, poverty and hunger, stereotyping and racism, environmental issues, global health, immigration, and gender roles. Our teaching methods are successful in broadening perspectives, teaching for global competency, encouraging empathy, and building new paradigms for best practices in education. We seek to inspire educators, school administrators, community members and home-schooling parents to use our innovative curriculum to capture the imagination and curiosity of their students.

We also develop discussion guides for films that don't necessarily lend themselves to academic standards but cover topics and themes that are valuable for classroom discussions and in other settings, such as after school clubs, community screenings, and college classes.

Why use this program?

In an age when literacy means familiarity with images as much as text and a screen has become a new kind of page, 21st-century students are more connected to media than any previous generation. This offers educators unprecedented opportunities to engage students in learning about a variety of subjects and issues of global significance. Films, television, documentaries, and other media platforms can provide an immediate, immersive window to a better understanding of the world and matters affecting all of us.

We teach our students literature that originated from all around the world, but we tend to forget that what often spurs the imagination is both visual and auditory. Films evoke emotion and can liven up the classroom, bringing energy to a course. We believe in the power of films to open our minds, inspire us to learn more, provide a bridge to better understanding the major issues of 21st century concern, and compel us to make a difference.

When properly used, films can be a powerful educational tool in developing critical thinking skills and exposure to different perspectives. Students travel through these characters and their stories: They drink tea with an Iranian family in *Children of Heaven*, play soccer in a Tibetan monastery in *The Cup*, find themselves in the conflict between urban grandson and rural grandmother in South Korea in *The Way Home*, and watch the ways modernity challenges Maori traditions in New Zealand in *Whale Rider*. Journeys in Film brings outstanding and socially relevant documentaries to the classroom that teach about a broad range of social issues in real-life settings such as famine-stricken and war-torn Somalia, a maximum-security prison in Alabama, a World War II concentration camp near Prague; they explore complex and important topics like race and gender. Students tour an African school with a Nobel Prize-winning teenager in *He Named Me Malala* and experience the transformative power of music in *The Music of Strangers: Yo-Yo Ma & the Silk Road Ensemble* and *Landfill Harmonic*.

Our hope is that this generation of youth will contribute to the betterment of humankind through kindness and understanding, together with scientific knowledge to help solve some of the world's most pressing issues.

Our goal is to create relevant and engaging curricula and programming around media that encourage cross-cultural understanding, empathy, and knowledge of the people and environments around the world. We aim to prepare today's youth to live and work as globally informed, media- literate, and competent citizens.



Introducing *Just Mercy*

After watching *Just Mercy*, viewers may feel as if this story depicts an unfortunate moment long ago. It can be hard to believe that Bryan Stevenson's battle, against an Alabama justice system haunted by the legacies of slavery and Jim Crow laws, took place as recently as the late 1980s, given its powerful themes of oppression, discrimination, and dehumanization. But we now know that these racist ideologies still plague our present-day society.

Just Mercy is not only a film centered around themes of empathy, equity, hope, and resilience. It is a story that uplifts marginalized voices who are typically unheard, unacknowledged, or deemed undeserving of mercy in the criminal justice system. The story follows Harvard Law School graduate Bryan Stevenson's move to Alabama where he recognizes an urgent need to provide free legal assistance to minorities who have been unfairly sentenced. Central to the film is the formation of the strong connective relationships between Stevenson and the condemned men he is helping. He builds a particularly powerful relationship with Walter McMillian, a Black man wrongfully sentenced to death, who helps him navigate the challenges of confronting such a strong structure of power and intimidation. Through these relationships, viewers gain insight into the humanity of the incarcerated individuals and the motivating factors for Bryan's resilience in the face of devastating barriers.

The movie's initial scenes demonstrate the transition for Walter McMillian from living in freedom to becoming a forgotten unit within an oppressive justice system. While he is first shown as an independent business owner who takes in a moment of fresh air working outdoors as a logger, the film quickly shifts to a brutal encounter with the police that results in his swift incarceration for murder. Walter has lived through many years of racialized trauma in that area and has begun to accept the prevalence of overt racist acts as a normalcy. As a result, he initially rides the fine line of being

a source of hope for his friends on death row while holding a slightly pessimistic attitude toward the possibility of obtaining justice for himself.

As the film progresses, viewers increasingly see the characters as real three-dimensional human beings to whom they can relate. The incarcerated men become living people with histories and aspirations; Walter's family vividly show their hopes, fears, and frustrations; the Equal Justice Initiative staff members cope with racism, bureaucracy, and vested political interests. At a time when the police, the judicial system, and the prison business are under close scrutiny, this film tells the story from the perspective of one innocent man, a man who stands for many others, and the young attorney and staff who successfully challenge the system.

DIRECTOR: Destin Daniel Crettin

WRITERS: Destin Daniel Crettin and Andrew Lanham

PRODUCERS: Gil Netter, Asher Goldstein, Michael B. Jordan

EXECUTIVE PRODUCERS: Bryan Stevenson, Mike Drake, Nijja Kuykendall, Gabriel Hammond, Daniel Hammond, Scott Budnick, Jeff Skoll, Charles D. King

CAST: Michael B. Jordan, Jamie Foxx, Brie Larson

Based on the book *Just Mercy: A Story of Justice and Redemption* by Bryan Stevenson

To the Teacher

This curriculum guide, like other **Journeys in Film** resources, is based on a few fundamental beliefs:

- That a well-made, relevant film is an excellent way to convey information and teach students important critical thinking skills.
- That an interdisciplinary approach will reach students who have different learning modalities and interests.
- That talented teachers interacting with real students on a daily basis are best positioned to write good lesson plans.

There are four lessons in this guide. Although it is possible to use all of these lessons, most teachers will select just one or two to use with their classes. You might wish to consider a team approach built around *Just Mercy* for a memorable experience for your students.

Lesson 1 provides historical context for understanding the extent of the imposition of racial segregation in the Southern States for a century after Reconstruction. The first part of this pre-viewing lesson traces the imposition of so-called “Jim Crow” laws, the loss of suffrage for Black voters, and the rise of violence, including by the Ku Klux Klan, against anyone who challenged the system. The second part explains the incomplete progress made by the Civil Rights Movement of the 1950s and 1960s. Extension activities encourage students to explore the history of the period more fully.

Lesson 2 is designed to help students to understand both the film and their own response to the story it tells. Students keep a journal that records their reactions to various parts of the film and then share their observations with peers. They consider how the film connects to events happening now and engage in a role-playing activity. Finally, they write film reviews to analyze and evaluate the film-viewing experience.

Lesson 3, while acknowledging the overarching importance of the 14th Amendment in guaranteeing justice to all, teaches students how the practical applications of the Amendment have been clarified by the Supreme Court in a number of highly significant cases. Students learn about common law and the importance of precedent in maintaining a judicial system that is both fair and transparent. They complete case briefs that are similar to those a law student would prepare to analyze the facts of a case, the decision, and the rationale behind the decision.

Lesson 4 expands the story of Walter McMillian and Bryan Stevenson by engaging the students in research about other convicted people whose cases have been taken up by the Equal Justice Initiative and other organizations that review convictions to be sure that they are imposed fairly. They look for instances of false confessions, improper forensic evidence, improper official conduct, or flawed witness testimony and consider the effect that even temporary incarceration has on convicted people and their families.

The Equal Justice Initiative website at <https://eji.org/> contains a wealth of information for your students. There is a section on criminal justice reform at <https://eji.org/criminal-justice-reform/> which includes information on the death penalty, children in adult prisons, excessive punishment, and prison conditions, as well as wrongful convictions. Racial justice resources can be found at <https://eji.org/racial-justice/>, including information on the history of slavery, lynching, racial segregation, and the presumption of guilt. A public education project includes a monthly and daily calendar of the history of racial injustice at <https://eji.org/public-education/>.

For more information about other free Journeys in Film curriculum and discussion guides, please see the Journeys in Film website at www.journeysinfilm.org.

The “Nadir of Black History”

Enduring Understandings

- Over the course of American history, white supremacy has stood as a barrier to social and political equality for African Americans.
- State-sanctioned intimidation and violence have been used to subject African Americans to second class citizenship.
- Legislative solutions have historically proven ineffective in dealing with political and social inequalities because of persistent white supremacy.

Essential Questions

- What hardships did African Americans still face despite two periods of progressive legislation?
- How did violence permeate both the period following Reconstruction and the end of the Civil Rights Movement?
- How does American history provide the foundation for the events in the film *Just Mercy*?

Notes to the Teacher

Reconstruction and Post-Reconstruction

After the Civil War, the period known as Reconstruction gave hope to freedmen that they would gain the civil rights that free men enjoyed. White Republican members of Congress like Massachusetts Senator Charles Sumner passed the 13th, 14th, and 15th Amendments to the Constitution to eliminate slavery, provide civil rights protections for freedmen, and give them the right to vote.

However, inequality and racism did not end with the passage of this legislation. White mobs attacked Black men who were trying to exercise their new rights, especially the right to vote; hundreds of legally enfranchised Black men were lynched. Several Black legislators were kidnapped and brutally beaten. The efforts by Black people and the political advancements they were able to make during that era led to white Southerners’ desire to end Reconstruction and to the formation of armed terrorist groups like the Ku Klux Klan and the Knights of the White Camellia. For more information about this period, see the Equal Justice Initiative’s webpage at <https://eji.org/report/reconstruction-in-america/>.

The violence was not limited to KKK members. Thousands of white citizens participated in and celebrated these lynchings and white newspapers advertised and justified the violence. You may wish to give students access to sections of EJI’s *Lynching in America* report at <https://eji.org/reports/lynching-in-america/> or use EJI’s animated *Lynching in America* video at https://www.youtube.com/watch?v=aS61QFzk2tI&feature=emb_title during the lesson to illustrate how white people used intimidation, fear, and violence to maintain the racial hierarchy behind Mr. McMillian’s experience in *Just Mercy*.



How had this come about, just decades after the Civil War and Reconstruction? In the election of 1876, no presidential candidate received the required majority of electoral votes. As a result, Republicans worked out a deal to give Rutherford B. Hayes the presidency over the Democrat candidate, Samuel J. Tilden. The deal, known as the Compromise of 1877, included these provisions:

- a. The removal of all remaining U.S. military forces from the former Confederate states. This would impact African Americans because the U.S. military protected African American institutions and property from violence during Reconstruction.
- b. The appointment of one Southern Democrat to the President's cabinet.
- c. The right to deal with African Americans without Northern interference. This provision would perpetuate state-sanctioned discrimination and violence against African Americans.

The harshness of life in Walter McMillian's Alabama is the result of well over a century of tactics used by Southern whites to solidify power over Black residents after Reconstruction ended in 1877. With the installation of "Redeemer" segregationist state governments throughout the former Confederacy, Black people lost the right to vote that had been guaranteed by the 15th Amendment. Oppressive poll taxes (mitigated for whites by the "grandfather clause" that gave suffrage to anyone whose ancestors had voted), unfair and unequal literacy tests, and white supremacist judges, county clerks, and other officials—all combined to make voting almost impossible for Black citizens. Economic inequality was enforced with the sharecropping system and unequal and segregated public education. Segregation was even supported by the Supreme Court through the case of *Plessy v. Ferguson*, which declared that "separate but equal" accommodations such as railroad cars were constitutional. The KKK and similar groups declined in membership because actions by government made them less necessary. However, violence, including lynchings and cross-burnings,

was used to intimidate anyone who dared challenge the rules of segregation. African American historian Rayford Logan coined the phrase "the nadir of black history" to describe this period, a phrase that has been echoed by many historians.

It is important for students to understand that racism was not limited to the South. As Black people migrated to other parts of the country in the late 19th and early 20th centuries, particularly during the Great Migration of more than 6 million African Americans in the years after 1916, racism and racial hierarchy remained a central feature in their daily lives. Black people fled domestic terrorism in the South only to find their lives circumscribed by racial inequality in the North, Midwest, and West. As governments in the South passed laws to curtail the exercise of Black civil and voting rights (*de jure* segregation), racism was codified in the North, Midwest, and West through residential segregation, school segregation, and the criminal justice system (*de facto* segregation).

By the 1920s, white antipathy toward Black people led to a revival of the Ku Klux Klan, first in Indiana and then throughout the South. Before the decade was over, historians estimate that between three and eight million people were members of the Klan. Klan sympathizers were elected to public office and punished violations of "Jim Crow" laws (laws that codified segregation) with both legal and extra-legal violence. Lynchings were endemic in the South during the 1920s.

Reconstruction failed to bring about the legal equality of the races that had been called for by the 13th, 14th, and 15th Amendments. Almost a century later, during the civil rights movement of the 1950s and 1960s, Black leaders like Rev. Martin Luther King, Jr., and John Lewis began to make "good trouble," to use Lewis's phrase, through marches and demonstrations. Black students staged sit-ins at segregated restaurants and other venues. Black "Freedom Riders,"

sometimes joined by white peers, rode segregated buses throughout the South. The resulting Civil Rights Act of 1964, enacted by Congress under the leadership of President Lyndon Johnson after years of marches and sit-ins, prohibited discrimination in public places, provided for the integration of schools and other public facilities, and made employment discrimination illegal. The Voting Rights Act of 1965 banned the use of literacy tests and provided for federal oversight of voter registration in areas where less than 50 percent of the non-white population had registered to vote. It also authorized the U.S. attorney general to investigate the use of poll taxes in state and local elections. In 1964, the 24th Amendment made poll taxes illegal in federal elections; the U.S. Supreme Court banned poll taxes in state elections in 1966.

In July of 1967, President Lyndon B. Johnson established the National Advisory Commission on Civil Disorders, which became known as the Kerner Commission. President Johnson hoped to uncover the roots of continuing unrest plaguing many American cities. The Commission found that white supremacy was the cause of the unrest within the country. Just as a recommitment to white supremacy after the Civil War enabled violence against Black people, opposition to the civil rights movement also encouraged similar violence. As had happened during Reconstruction, the passage of laws did not immediately result in changes in racial attitudes of white supremacy, and this was particularly apparent in the criminal justice system. However, the Johnson administration sidelined the report because it was perceived to undercut the president's Great Society platform.

Thomas Nast

Discrimination faced by Black Southerners became the subject matter of a number of political cartoons drawn by Thomas Nast, one of the most influential cartoonists in American history; he is often called the “Father of the American Cartoon.” Born in Germany, he immigrated to the United States at the age of 6; by age 15, he had begun drawing for *Leslie's Illustrated Newspaper*. Today, Nast is best remembered for creating the modern image of Santa Claus and the Republican elephant and popularizing the Democratic donkey through his iconic illustrations. He was an admirer of Lincoln and many of his earlier cartoons championed Black suffrage and castigated white supremacists. Much of this lesson deals with his early cartoons. [Note: Some of his later cartoons criticized Black politicians in unflattering caricatures. You are advised not use to them in class.]

In this pre-viewing lesson, students first learn about the lives of Black Americans following both Reconstruction and the Civil Rights Movement. Students will be asked to analyze several of Thomas Nast's political cartoons from the Reconstruction period. In preparation for Part 2, they will listen to an NPR podcast reviewing the impact of the Kerner Commission and/or read the transcript; you may wish to give students a choice between the two formats or encourage them to read the transcript on their devices as they listen. This preparation will give them context for understanding the treatment of Walter McMillian by the police, the prosecutor, and the judicial system as a whole.



Common Core Standards addressed by this lesson

CCSS.ELA-LITERACY.RH.9-10.1; CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-LITERACY.RH.9-10.2; CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-LITERACY.RH.11-12.8

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

Duration of Lesson

The main activities in this lesson can be completed in two class periods; the extension activities can take up to three additional class periods.

Assessments

Primary source document analysis handout
Analysis presentations
Group discussion
Summative essay (optional)

Materials

Samples of modern political cartoons from a local newspaper or from a source like <https://www.theweek.com/cartoons>.

Access to library or computers to locate items on the Internet

Copies of the following:

Handout 1: Political Cartoon #1: Is This a Republican Form of Government?

Handout 2: Political Cartoon Analysis (two copies per student)

Handout 3: Political Cartoon #2: "And Not This Man?"

Handout 4: Political Cartoon #3: "Of Course He Wants to Vote the Democratic Ticket"

Handout 5: The Long Hot Summer

Teacher Resource Sheets 1, 2, and 3: Answer sheets for Political Cartoons

Podcast: NPR *Throughline*: "The Long Hot Summer" at <https://www.npr.org/2020/07/07/888184490/the-long-hot-summer> OR the transcript of the program at <https://www.npr.org/transcripts/888184490>. If you wish to make copies for your students, the first 25 pages will be sufficient.

Procedure

Part 1: Reconstruction to Early 20th Century

1. Using the information provided in Notes to the Teacher and any textbook your students have been using, review the historical trends in Black history from Reconstruction to the revival of the Ku Klux Klan in the 1920s. You may wish to use some of the Equal Justice Initiative resources mentioned in the Notes to the Teacher section to further student understanding of this history and how it set the stage for Walter McMillian's arrest, trial, and conviction.
2. Ask students to explain what a political cartoon is. Show several examples from your local newspaper or an online source, preferably on topics of interest to your students.
3. Introduce the students to Thomas Nast using the information in Notes to the Teacher.
4. Distribute **Handout 1: Is This a Republican Form of Government?** and **Handout 2: Political Cartoon Analysis**. Project the cartoon on a screen as well so that students can read the words at the bottom of the cartoon; it can be found at <https://www.loc.gov/resource/cph.3c16355/>.
5. Work through the analysis together to model for students what you expect them to do. Answers are on **Teacher Resource 1**. When they see the sign about the White Liners, ask them to spend a few minutes on the Internet to find out the meaning of the term.
6. Divide the class into pairs or groups of three to complete the analysis of the remaining two cartoons. Give each group either **Handout 3** or **Handout 4** and an additional copy of **Handout 2**. Allow time for each group to analyze the cartoon. Then have students review their analyses with the class as a whole.

7. Introduce the term “the nadir of Black history” and explain that the Black historian Rayford Logan coined the term as a way of describing the period from the end of Reconstruction to the early 20th century. Define “nadir” as the lowest point. Ask students if they think this description is accurate, if this period really was worse than slavery. Why do they think Logan described it this way? (Answers will vary.) Point out that the Ku Klux Klan, which had died out at the end of Reconstruction, was reborn in the early 20th century as well.

Part 2: The Civil Rights Movement in the 20th Century

1. Ask students to imagine a time jump into the future: fast forwarding nearly a century from Reconstruction to the Civil Rights Movement. Using information from Notes to the Teacher and your students' textbook, lead a discussion of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the urban unrest that led to the establishment of the Kerner Commission.
2. Distribute **Handout 5: The Long Hot Summer** and review it with students. Have students listen to the start of the 43-minute podcast for the remainder of the class period. It details the history and response to the Kerner Commission. If you have printed copies of the transcript or if students have access to computers, they can read the transcript as they listen.
3. For homework, have them finish listening to the podcast and/or reading the transcript. Remind them to take notes on **Handout 5** to prepare for the next day's discussion.
4. Once students have completed the podcast, begin a class discussion on the questions from **Handout 5**. Answers will vary.

5. Tell students that they are going to watch a film called *Just Mercy*, about a Black man imprisoned on death row and the lawyer who works to free him. The film is set in the 1980s in Alabama. Explain that this is based on a true story. Then show the film. [Note: Lesson 2 of this guide is a film-viewing lesson that you may want to use in conjunction with the film.]

6. After the film, you may wish to assign students a summative essay based on this prompt: How does American history provide the foundation for the events of *Just Mercy*?

Extension Activities

If you wish to have your students continue to research about this period, here are some possible extension activities for them.

Political and social equality post Reconstruction

Booker T. Washington and the Atlanta Exposition Speech
Washington was a leading Black figure in America during the period following Reconstruction. He gave a famous speech in which he outlined a strategy of how he believed Black Americans should achieve political and social equality. Have students read a brief biography and his speech and complete a critical analysis of the text.

Biography: <https://www.loc.gov/resource/g3882b.ct009032/>
Speech: <https://iowaculture.gov/history/education/educator-resources/primary-source-sets/reconstruction-and-its-impact/booker-t>

Voting in Southern States

Have students read a pamphlet developed to advise African American men on how to vote in southern states in 1900 and do a document analysis on the varying voting conditions across states.

Pamphlet: <https://www.loc.gov/item/92838850/>

Lynching

Ida B. Wells “Southern Horrors”

Wells emerged as the leading figure calling attention to the lynchings of Black Americans. In this extension activity, have students read a short biography about Wells and her text “Southern Horrors,” and then complete a critical analysis of the text.

Biography: <https://www.biography.com/activist/ida-b-wells>
“Southern Horrors”: <https://www.gutenberg.org/files/14975/14975-h/14975-h.htm>

Equal Justice initiative report *Lynching in America* at <https://eji.org/reports/lynching-in-america/>

EJI’s animated *Lynching in America* video at https://www.youtube.com/watch?v=aS61QFzk2tI&feature=emb_title

Poverty

The War on Poverty 50 years Later

Under President Barack Obama, The Council of Economic Advisers conducted a study on poverty fifty years after the Johnson administration declared a war on poverty. Have students review the study and complete a critical analysis of the text.

Pamphlet: <https://obamawhitehouse.archives.gov/blog/2014/01/08/war-poverty-50-years-later>

Additional resources

A. Print materials (books, magazine articles, etc.)

Graphic novel: *March* by John Lewis

Book: *The Souls of Black Folk* by W.E.B. DuBois

Book: *The Fire Next Time* by James Baldwin

B. Internet resources

Lynching in America

<https://eji.org/reports/lynching-in-america/>

C. Media (film, television, etc.)

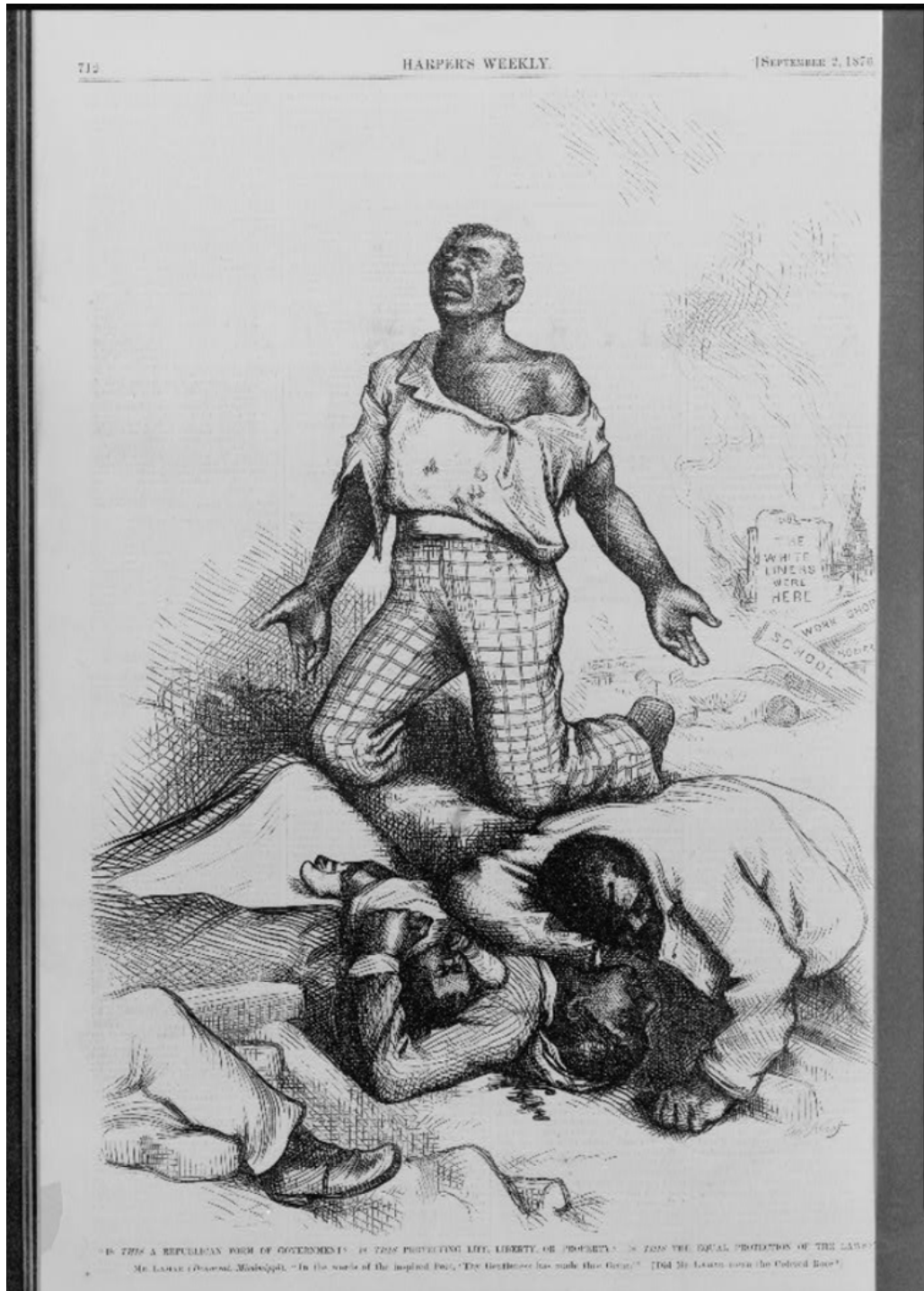
Music: “Strange Fruit” by Billie Holiday

Miniseries: *Roots: The Next Generation*

Miniseries: *Watchmen* (opening sequence of episode 1) on HBO



Political Cartoon #1: “Is This a Republican Form of Government?”



Source: <https://www.loc.gov/resource/cph.3c16355/>

Handout 2

Political Cartoon Analysis

Title of the cartoon _____

Name of cartoonist _____ Date of cartoon: _____

1. Who are the people that appear in the cartoon?

2. Whom do these people represent?

3. What significant objects do you see in the cartoon? What do they symbolize?

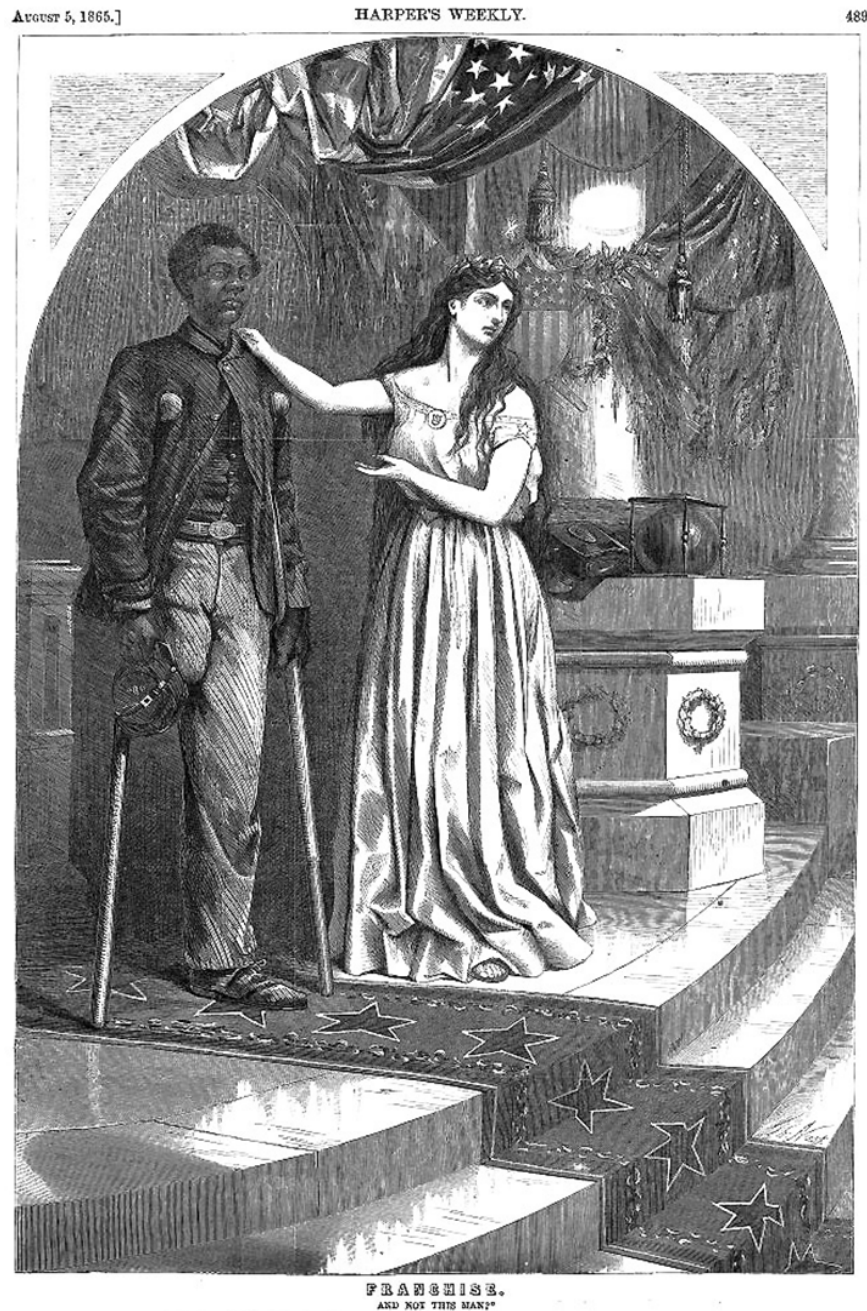
4. What is happening in the cartoon?

5. What significant words do you see in the cartoon?

6. What is the message of the cartoon?

7. Who would be likely to agree with this message? Who would probably disagree?

Political Cartoon #2: “And Not This Man?”





Political Cartoon #3: “And Not This Man?”



Source: [https://commons.wikimedia.org/wiki/File:Of Course He Wants To Vote The Democratic Ticket' \(October 1876\), Harper's Weekly.jpg](https://commons.wikimedia.org/wiki/File:Of_Course_He_Wants_To_Vote_The_Democratic_Ticket_(October_1876),_Harper's_Weekly.jpg)

- a. What were the hardships African Americans faced following the Civil Rights Movement? How were the hardships similar to those following Reconstruction?
- b. How did violence permeate both the period following Reconstruction and the end of the Civil Rights Movement?
- c. What connections can we make between the period following Reconstruction, the end of the Civil Rights Movement, and the modern emergence of Black Lives Matter?

Teacher Resource 1

Cartoon #1 Analysis (Answer Sheet)

Title of the cartoon: “Is this a republican form of government? Is this protecting life, liberty, or property? Is this the equal protection of the laws?”

Name of cartoonist: Thomas Nast

Date: 1876

1. Who are the people that appear in the cartoon?

Black man kneeling with outstretched arms

Black family lying dead on the ground

2. Whom do these people represent?

Black people in the South who are victims of violence

3. What significant objects do you see in the cartoon? What do they symbolize?

Sign “The White Liners were here”

Rubble from school, workshop, and homes and burning fires symbolize the violence and destruction that have occurred.

4. What is happening in the cartoon?

The kneeling man is next to the victims and seems to be asking a question about why this has happened.

5. What significant words do you see in the cartoon?

The words on the sign, “White Liners were here.”

The words under the cartoon: “Is this a republican form of government? Is this protecting life, liberty, or property? Is this the equal protection of the laws?”

6. What is the message of the cartoon?

White Liners (made up of Confederate veterans) launched campaigns of violence against Black Southerners and destroyed institutions set up to advance their equality and prosperity. This implies that the promises of liberty and protection for the people formerly enslaved are hollow.

7. Who would be likely to agree with this message? Who would probably disagree?

Black people would agree with the cartoon because it highlights the danger of being Black in the South.

Southern whites would probably see the White Liners as maintaining law and order in the South.

Cartoon #2 Analysis (Answer Sheet)

Title of the cartoon: “And Not This Man?”

Name of cartoonist: Thomas Nast

Date: 1865

1. Who are the people that appear in the cartoon?

A Black soldier wearing a Union uniform

A woman who is gesturing at the soldier and asking a question.

2. Whom do these people represent?

The soldier represents Black men from both North and South who joined the Union Army.

The woman is Columbia, representing the United States. (Students may have difficulty identifying her unless they recall the image from movies made by Columbia Studios.)

3. What significant objects do you see in the cartoon? What do they symbolize?

The flag hanging behind them symbolizes the United States. There is a pedestal with a wreath which may symbolize victory; there seems to be a cannon ball from the war on top of it.

4. What is happening in the cartoon?

The woman is pointing to the man who has lost his leg fighting in the war. She places her hand on his shoulder in a gesture of solidarity.

5. What significant words do you see in the cartoon?

At the bottom of the image: “Franchise” and “And not this man?” Students should define franchise as the right to vote.

6. What is the message of the cartoon?

Black soldiers who fought and sacrificed for the North during the Civil War should have the right to vote.

7. Who would be likely to agree with this message? Who would probably disagree?

Black veterans and other Black people would be likely to agree, as would abolitionists. Members of the Republican Party in general would agree since Black voters would be likely to vote for the party of Abraham Lincoln. Democrats of the time, particularly Southern Democrats, would disagree for racist and political reasons.

Teacher Resource 3

Cartoon #3 Analysis (Answer Sheet)

Title of the cartoon: “Of course he wants to vote the Democratic ticket.”

Name of cartoonist: Thomas Nast

Date: 1876

1. Who are the people that appear in the cartoon?

A Black man in the center
Two white men holding guns
Room full of white men

2. Whom do these people represent?

Black man in the center represents Black men in the South trying to vote.
White men holding guns represent white intimidation of Black voters.

3. What significant objects do you see in the cartoon? What do they symbolize?

Ballot boxes on the table represent voting. The small ticket in the Black man’s hand represents a vote for the Democratic Party. (Ballots were not secret back then.)

4. What is happening in the cartoon?

The Black man, who is likely to want to vote for Republicans, the party of abolition and the Civil War Amendments, is being forced at gunpoint to vote the Democratic ticket.

5. What significant words do you see in the cartoon?

“Of course he wants to vote the Democratic ticket.”

“Democratic Reformer: ‘You’re as free as air, ain’t you? Say you are, or I’ll blow yer black head off.’”

From the note on the bottom left: “[The] farmers have agreed to spot every leading Radical negro [*sic*] in the county, and treat him as an enemy for all time to come. The rotten ring must and shall be broken at any and all costs. The Democrats have determined to withdraw all employment from their enemies. Let this fact be known.”

6. What is the message of the cartoon?

Southern white Democrats used intimidation and force (as others watched) to maintain power in the South as Black voters tried to assert their Constitutional rights. A Black voter faced violence, unemployment, and even death if he tried to vote for Republicans. [You should make clear that today’s Democratic Party does not try to suppress Black votes now. According to Pew Research, 91% of Black voters voted Democratic in 2016. ¹]

7. Who would be likely to agree with this message? Who would probably disagree?

Black voters would likely agree. Southern whites would find this characterization offensive.

¹ <https://www.pewresearch.org/politics/2018/08/09/an-examination-of-the-2016-electorate-based-on-validated-voters/>



The Case of Walter McMillian

Enduring Understandings

- Showing empathy, compassion, and mercy helps preserve the dignity and humanity of others.
- Bias, white supremacy, and racism that are sources of injustice are learned behaviors (and therefore able to be unlearned).
- The dominant narrative of white supremacy and racial difference is false and widespread; it was used first to justify slavery and then to justify racial discrimination after the end of slavery.
- Building a strong community of relationships can help to maintain feelings of hope in times of adversity.
- There are some people who are still fighting to be heard, recognized, and respected as human beings.

Essential Questions

- How do the strong relationships formed throughout *Just Mercy* help all the characters maintain hope and resilience?
- In what ways does hearing the stories of the people in prison foster resistance against a system which seeks to isolate and dehumanize them?
- How does our personal background (prior experiences, media, family history, etc.) affect the way we feel about and respond to influences?
- How do empathy and compassion help to motivate us to take action on issues that are important to us?

Notes to the Teacher

Bryan Stevenson's journey of understanding how pervasive racism is in Alabama is highlighted through his conversations and close relationships with the condemned man, Walter McMillian, and his community. Bryan is young, optimistic, and initially confident that his strong knowledge of the law will be a winning force against even an unfair legal system. He comes from a low-income background similar to that of the incarcerated men and empathizes with them, having once felt invisible and expendable in the eyes of the law. Bryan is extremely intelligent and exhibits a quiet but firm determination to seek justice in such a brutal situation.

In this lesson, the film itself is the central text as students focus on how themes, characters, and other influences impact Walter McMillian's case. Before each class period, it will be important to set the tone of a psychologically safe space for students to discuss openly how white supremacy, racism, and the criminalization of poverty serve as sources of injustice. Established classroom norms, preferably norms that students create themselves, will allow for authentic and honest conversations.

If possible, complete Lesson 1 of this guide before beginning Lesson 2 so that students have a thorough grasp of the conditions that shaped the lives of Walter McMillian, the other men on death row, and the members of Walter's family and community.

Part 1 of this lesson involves students viewing the film, which takes slightly more than two hours, and completing a viewer-response journal. They share responses with partners or small groups, participate in large-group discussion, and analyze significant quotations from the movie. Students clarify their understanding of what happens in the film, the characters involved, and key themes involving racism, prejudice, and bias.



In Part 2, the class investigates the significance of the title *Just Mercy* and considers the relationship between mercy, motivation, and justice in the context of the film. This leads students to explore the layering of themes conveyed by the film and allows them to brainstorm themes that they identify as important.

In Part 3, students switch their attention to exploring the film's relevance and how it connects to current events and issues that our society faces today. Students participate in a role-play exercise meant to help them build closer connections to and empathy for the film's characters.

In Part 4, students become familiar with the elements of a film review. They work alone or in small groups to collect and synthesize their learning about *Just Mercy* to that point. They then write an analytical film review focused on a central theme.

You will find it helpful to have multiple DVDs or computers for streaming access so that groups can scan the movie for scenes that focus on their themes. In all parts of the lesson, you will want to emphasize an open-ended approach that encourages a rich diversity of responses and insights.

Common Core Standards addressed by this lesson

CCSS.ELA-Literacy.CCRA.R.1

Read closely to determine what the text says explicitly and to make inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

CCSS.ELA-Literacy.CCRA.R.2

Analyze how and why individuals, events, or ideas develop and interact over the course of a text, building on others' ideas and expressing their own clearly and persuasively.

Common Core Standards addressed by this lesson, continued

CCSS.ELA-Literacy.CCRA.R.4

Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.

CCRA.R.2

Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

CCSS.ELA-Literacy.CCRA.W.2

Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through effective selection, organization, and analysis of content.

CCSS.ELA-Literacy.CCRA.W.4

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

CCSS.ELA-Literacy.CCRA.SL.1

Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

CCSS.ELA-Literacy.CCRA.R.4

Present information, findings, and supporting evidence such that the listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.



Duration of Lesson

5-6 class periods, including time to view the film

Assessments

Responses to **Handout 1**, the viewer response journal
Class discussion
Short essays
Participation in group presentations
Participation in class discussion
Culminating film review presentation

Materials

The film *Just Mercy*
Projector
Internet and word processing access
Copies of **Handouts 1-4** for students' use

Procedure

Part 1: Viewing the Movie and Responding through Reflections

1. Before students view the movie, distribute **Handout 1** and review the ten journaling topics. (Have students look up, review, and record definitions of the following words prior to viewing the movie and engaging in the discussion activity.)

Here are some sample answers:

- a. Prejudice – an attitude or bias toward a person or group of people based on incomplete or faulty knowledge
- b. Discrimination – the unfair treatment of people based on prejudice, often related to race, age, or gender
- c. Stereotype - an oversimplified idea, usually unfavorable, about a particular person or group
- d. Bias – a personal judgment, based on stereotypes and prejudice, that can affect decisions and actions
- e. Implicit Bias – bias stemming from prejudices of which the biased person is unaware
- f. Assumption - a thing that is accepted as true without any proof
- g. Resilience - The ability to recover quickly from hardships; strength in the face of adversity.
- h. Racism - prejudice, discrimination, or bias directed against a person or group based on the racial or ethnic group to which they belong; it is often supported by institutional power on behalf of the dominant racial or ethnic group.

2. Explain that students will use the handout as the basis for a viewer-response journal and ask them to complete it as they watch the film; indicate whether they are to do their work in their notebooks or on a computer. Then start the film. The handout suggests two places to pause for students to record ideas. You may want to select additional moments. (Note: Invite students to ask you to stop and replay some clips along the way. The film moves along quickly, so it can be easy for first-time viewers to lose track of impressions.)

3. After students view the film and complete **Handout 1**, allow a little time for partners or small groups to review and discuss responses to the questions and to make sure their own handouts are complete. (Diverse responses are fine and helpful to discussion.) Allow students to reference their handouts and capture additional insights during class discussion if needed. Later, collect the handouts for use in assessment.

4. Explain that the movie is based on real events and people. Ask students to think about the extent to which they felt engaged in events depicted in the film.

5. Conduct a whole-class discussion based on the following questions:

- a. What do you think the main actors thought of their roles? Do you think making the movie was important to them? Do you think they enjoyed making the film? (Answers may vary.)
- b. Did you find yourself more interested in one character than in the others? Why? (In response to this subjective question, students may mention the main characters, but also figures such as Walter's wife Minnie, Eva Ansley, Ralph Myers, and Herbert Richardson)
- c. Do you think that Bryan's growing connection with Walter and others helps him personally develop a deeper understanding of the issues of injustice, racism, mass incarceration, and punishment? Why or why not? How have you gained a better understanding of issues that you feel are important? (Bryan's journey of understanding how pervasive racism is in Alabama is highlighted through his conversations and close relationships with the condemned men and the members of Walter's community. Students may mention that while Bryan is meeting with the condemned men to help them, the men are teaching him about the dangers in challenging such an oppressive system through telling their racialized experiences while living in this community. Students

may share issues of small or large scope that are important to them and they feel society should care about such as poverty, homelessness, bullying, the environment etc. They may express ways in which they have built a close connection to these specific issues that they have chosen.)

- d. The white members of the Monroeville, Alabama, community felt that the initial conviction of Walter McMillian was an act of justice. What does "justice" mean to Bryan? Has the film influenced your own definition of justice? If so, how? (The film shines light on how the concept of justice in the minds of the characters is based on their own perceptions of what is "deserved." For the whites looking to condemn Walter, he "deserves" the punishment based on his affair with the white woman, his race, his socio-economic status, and the feeling that the family of murder victim Ronda Morrison needs to see a conviction by any means necessary. Bryan and Walter's supporters feel justice is not served as long as there are hidden truths that prove Walter did not commit the crime. Ask students to define injustice and to comment on the various examples of injustice in Walter's story and in the Monroeville community in general.)
- e. What moment in the movie strikes you as having the greatest impact? Why? (Possibilities abound, including the execution of Herbert Richardson; Bryan's first conversation with Walter; District Attorney Tommy Chapman switching his position; Walter's court appeal decision.)

6. Have students think about simple associations that they have learned throughout their lives by answering the statement, "When I think of _____, it also makes me think of _____." Ask students "How do you think you formed that association?" For example: "When I think of salt, it also makes me think of pepper." Point out that we all have formed different associations, assumptions, and biases that



are sometimes known or unknown. When these assumptions and biases are related to stereotyping, it can result in unjust behavior or treatment towards people based on identifiers such as race, socio-economic status, and gender. Then ask: How do characters' assumptions, perceptions, and biases influence Walter's case in the movie? (We all create personal assumptions, perceptions, and biases based on our backgrounds, exposure to media, and other influences. An example of a student response based on the film happens within the first 10 minutes when Walter is stopped by the police and questioned about his work status and "fancy" truck. It is assumed by the police officer that Walter cannot work for himself or afford such a nice vehicle. This sets the stage for him to be accused of the murder.)

7. Point out that **Handout 1** asked students to record scenes that were particularly powerful or meaningful for them. Invite students to share why a particular scene stood out to them.

8. Write or project the following quotations on the board, one at a time, without identifying the speakers:

- "You're guilty from the moment you're born." (Walter McMillian/Johnny D)
- "My job is not to make people happy. It's to achieve justice for my client." (Bryan Stevenson)
- "The opposite of poverty isn't wealth. The opposite of poverty is justice." (Bryan Stevenson)
- "I was in before you even offered me the job." (Eva Ansley)
- "If you can't see the danger in what you're doing, you need to ask Harvard for your money back." (Alice Stevenson, Bryan's mother)
- "But if they take me out to the chair tonight, I'm going out smiling, because I got my truth back." (Walter McMillian/Johnny D)

For each quote, ask students which character spoke the words. How does the quote show the character's personality? What is its connection to the film as a whole?

Part 2: Focusing on Themes

1. Point out that the choice of a title is often related directly to the theme of a movie or book. The title is also often a significant force in attracting readers and viewers. Ask students to explain the significance of the title *Just Mercy*. Explore what the term *mercy* means (compassion or forgiveness) and the dual meaning of the word "just." (At first glance, it seems to mean "only" but it can also mean "morally right and fair.")

2. The movie makes clear how Bryan's personal background influenced his motivation to help wrongfully accused and condemned prisoners. Explain what factors in his life influenced him to take up the cause of prisoners wrongly convicted. (The unsolved murder of his grandfather demonstrated a lack of justice for the families of low-income African American communities. This made him feel invisible, unheard, overlooked and in "the shadows." Despite challenges and barriers throughout the film, Bryan's empathy and compassion for the prisoners and their families fueled his motivation to continue seeking justice.)

3. Write on the board: "Share an instance in which your prior experience motivated you to take action." Give students time to write about the occasion. Allow students time to share and discuss.

4. Suggest to students that *Just Mercy* is a complex film with multiple overlapping themes. Emphasize that a theme is a concept, not just a topic. If necessary, clarify with an example: "hope" is a topic; "Hope is powerful in helping people overcome challenges" is a theme. Distribute **Handout 2**, review the directions with students, and have small groups complete the exercise. (Note: Although students can do this from their memories of the movie, it is more effective if they can access it and review sections pertinent to their themes.) (Possible themes

include: the criminal justice system perpetuates a cycle of racial inequality, discrimination, and oppression of minorities and those in poverty; empathy, compassion, and mercy for others can serve to motivate actions and fuel courage despite obstacles; a supportive family or friends can make a real difference in one's life.) When they have completed the handout, have them share their responses with the group.

5. For homework, ask students to write a journal or diary entry from the perspective of Bryan Stevenson in which they respond to the following prompt: "How do you (Bryan) believe that mercy, motivation, and justice are related?" Collect writings at the beginning of the next class period for use as assessment tools.

Part 3: Forming Connections

1. Review with students the meaning of the word *theme* and tell them that a theme of a movie or literary work is an idea, a view, or an insight about reality, life, or human nature. Ask students to write paragraphs in which they respond to the following prompt: In what way(s) is the film *Just Mercy* relevant to current events and issues that our society faces today?

2. Have them share and discuss responses as a whole group. (The goal is for students to try to make connections to the film and themes that they have identified. The film seeks to highlight the stories of those often unheard or cast aside due to race and class. In addition to Bryan's clients being Black men from low-income communities, there is another layer of identity that seeks to dehumanize their existence. They are condemned prisoners which would result in many people easily categorizing them as society's outcasts or undeserving of mercy. Bryan's determination to fight for people that others have forgotten is one example of how students might make real world connections to how stories in our society can sometimes get lost in the shadows because of race, class, or gender.)

3. Point out to students that actors in films typically develop a sense of personal investment and connection with the characters they are playing. It is a commitment beyond just playing roles, particularly with movies such as *Just Mercy* in which the characters are based on actual people and their personal stories. A personal investment involves expressing empathy and understanding for the character's evolution throughout the film, capturing the character's dominant traits, and anticipating the character's emotions and responses.



4. Divide the class into partner teams and distribute

Handout 3. Assign a character for each team and provide the name of the actor portraying the character. Some are listed below; more can be found at https://www.imdb.com/title/tt4916630/?ref=fn_al_tt_1.

Bryan Stevenson (Michael B. Jordan)

Walter McMillian/Johnny D (Jamie Foxx)

Walter's wife Minnie McMillian (Karen Kendrick)

Eva Ansley (Brie Larson)

Ralph Myers (Tim Blake Nelson)

Herbert Richardson (Rob Morgan)

Explain to students that they will be participating in a role-play exercise in which Partner A is a journalist serving as an interviewer and Partner B is the actor of the character assigned. (It is not important that the character assigned be gender specific). Allow Partner A to ask the questions listed on **Handout 3** while Partner B answers the questions as the actor playing the role might do. When enough time has elapsed, ask each pair to present any insights they gained from the exercise.

Part 4: Writing a Film Review

1. The day before the lesson, ask students to bring in a local newspaper that contains a film review or, if one is unavailable, to print out a copy of a film review from an online source like www.rottentomatoes.com. Have them focus on current films.

2. On the day of the lesson, have students form groups of three or four and share copies of the reviews that they have brought so that everyone has a chance to read three reviews. (Groups may exchange reviews if necessary.)

3. Ask students to identify the elements that they saw in several of the reviews. (Examples: partial summary of the film's plot; creative elements like camera work, setting, costumes, mood, symbols; the quality of casting and acting; the filmmaker's apparent purpose such as to entertain, to inform, or to arouse emotion; the reviewer's personal evaluation of the film; additional research on the subject of the film if necessary; the number of stars the reviewer gives the film)

4. Distribute **Handout 4** for students to use as a guide in collecting and synthesizing their ideas about the film *Just Mercy*. Allow sufficient time for students, working alone or in groups, to access information and organize content.

5. Follow your usual procedures for writing: assign deadlines and approximate length, give students opportunities for multiple drafts, and provide for writing conferences with the teacher and/or peer editing.

6. When the students have finished, ask several volunteers to read their reviews aloud. Use these as a way of opening discussions about student attitudes toward the film.

Extension Activity

Invite student volunteers to complete projects or essays in which they share their earliest experience witnessing or dealing with race and/or racism.

Handout 1

Viewer Response Journal

Directions: In your notebook or electronic document, record your answers to the following questions.

- A. Define the following words prior to viewing the movie. Referencing these definitions will be useful while viewing the film as well as during reflection.

Prejudice
Discrimination
Stereotype
Bias

Implicit Bias
Assumption
Resilience
Racism

- B. During the first half-hour of the film, the viewer becomes acquainted with Bryan Stevenson as he moves to practice law in Alabama and learns about the swift conviction of Walter McMillian. Stop viewing after the scene in which Bryan visits Walter in prison for their first conversation together and the following scene showing Walter being walked by a prison guard back to his cell. (23:10)

1. What did you think about the initial encounter of the police officer and Walter McMillian?
2. What are some ways in which Bryan builds trust and a close connection with those that he is helping? Do you think it is important for the film to show these encounters? Why, or why not?
3. What are your initial thoughts after watching the first meeting between Bryan and Walter?

- C. Continue viewing up to and including the judge's initial decision on whether to grant Walter a new trial (1:41:46). Then answer the following questions.

4. Describe some encounters that Bryan personally witnesses or experiences that indicate how pervasive racism is in that community and the danger that he places himself in by taking actions against injustice. How does he feel in these situations? How does he respond?
5. What does Bryan learn about Walter's background and his community of supporters?
6. How did you react after hearing the judge's decision on whether to grant Walter a new trial after the testimony of Ralph Myers? Why did you react that way?

- D. View the rest of the movie and consider the following points.

7. How do poverty, power, and fear affect Walter's case in the movie?
8. How is intimidation used in Walter's case and throughout the film?
9. Throughout the movie, there are elements of hope and resilience such as the large group of family and community members that show up in Walter's home to meet Bryan. What are some other ways that the movie shows moments of hope and resilience?
10. Select three scenes from the movie that were particularly powerful or meaningful for you. Why did they stand out for you?

Handout 2

Analysis of *Just Mercy* Themes

Complete the chart about two themes from the film, including relevant scenes and your own analytical observations.

Statement of theme	Film scenes relevant to theme	Your analysis and observations

Handout 3

Character Interviews

Partner A: You are playing the role of a journalist. Interview your subject using the questions below. You may use your own follow-up questions if you wish.

Partner B: You are playing the role of the actor of one of the characters in *Just Mercy*. Answer the questions as you feel the actor of the role would. Try to consider the personal investment you would make in portraying this character.

Questions:

- 1) How did it feel to play this role?
- 2) What are some dominant character traits that you portrayed while in this role?
- 3) Tell me about one scene in the movie that you feel highlights your character's motivation and personality traits.
- 4) How does your character change from the beginning to the end of the film?
- 5) How do you feel the audience's insight into the character shifts along the way?
- 6) Were there any emotional moments for you while playing this role? What were they and why were they emotional?
- 7) Explain your character's most important relationships in the film. Which individuals connect most intensely with your character?
- 8) How do you feel your character affected the success of the movie as a whole?



Handout 4

Writing a Film Review

Use the following questions to collect your ideas for the film review you are going to write:

1. Make preliminary observations about what you remember about one important theme in the development of the movie. Why is this a primary theme and how does it affect the film and the viewer?

2. Identify character contributions. What are a few ways that character traits and/or actions contribute to the expression of this theme in the film?

3. Create Connections. Identify ways in which you feel your theme could connect to current issues in society.

4. Identify moments in the film when your theme is evident. Closely review those moments and focus on details.

5. Pinpoint related topics that need additional clarification and conduct relevant research.

6. Plan the content of your review, using some or all of the ideas you have described above. When you have outlined your ideas, create a guiding thesis statement that summarizes and gives direction to the review.

A Long Path to Justice

Enduring Understandings

- While the 14th Amendment to the Constitution guaranteed equal rights under the law to all citizens, the realities of the legal system often fell short, particularly for Black citizens in Southern states.
- Later Supreme Court cases gradually extended equal protections in the judicial system to all citizens.
- There are three main bodies of laws and regulations: laws established by Congress; regulations established by federal agencies; and common law from previously decided court cases.

Essential Questions

- What are some important court cases that extended the rights of people in the judicial system?
- How and why do law students brief cases?
- What are the main sources of law?

Notes to the Teacher

The 13th, 14th, and 15th Amendments were passed shortly after the Civil War, ending slavery, guaranteeing equal rights to all citizens, and stating that the right to vote should not be denied because of race, color, or previous condition of servitude. Still, in spite of the good intentions of these Amendments, injustices persisted. Although legal slavery had been abolished by the 13th Amendment, involuntary servitude still existed in the form of forced labor in the prison system. Those who were incarcerated, particularly in the South, often found themselves on “chain gangs,” doing hard manual work for long days, often building roads or clearing fields, while chained together to prevent escape. People serving time in prison could even be “leased out” by local farms and businesses for uncompensated labor.

Similarly, the 14th Amendment was supposed to guarantee equal treatment under the law. However, in the American South after Reconstruction, segregation was hardened by local and state laws, called “Jim Crow” laws. [“Jim Crow” was a character that appeared repeatedly in 19th century minstrel shows; it was a way of stereotyping and mocking Black people. The term was applied to laws that strengthened and supported the custom of segregation.] Separate and unequal school systems left Black children with small, poor one-room schoolhouses and inadequate study materials. Public facilities including restaurants, hotels, and gas stations often served whites only; there was actually a Green Book that listed the relatively few safe accommodations available to Black travelers. Restrooms and water fountains were marked with signs designating the race that could use them. Racial discrimination also limited Black citizens’ right to vote, supposedly guaranteed by the 15th Amendment, and caused unfair representation in the judicial system.

It is important that students be made aware that segregation and injustice were not limited to the South. In other regions



of the country, segregation was enforced, not by law, but by more subtle means. Neighborhoods were segregated by economic and social forces and therefore schools were segregated as well. Racial disparities existed everywhere in the criminal justice system, where Black offenders often served longer terms than white ones for similar offenses and were more often given the death penalty. We are currently seeing a crisis in policing in this country because of a series of police killings of unarmed Black individuals, now often documented with videotape and body cameras.

The three court cases featured in this lesson have great significance in the fight for equal justice under the law. The first, *Maryland v. Brady* (1963), the one cited by Bryan Stevenson in the film, held that any exculpatory evidence must be turned over to the defense. In the same year, *Gideon v. Wainwright* held that the court must allow the defendant to have an attorney and provide one if the defendant cannot afford one. The third case, *Batson v. Kentucky* (1986), held that a lawyer could not use a peremptory challenge (a move to exclude a juror without a stated reason) to exclude a potential juror solely on the basis of race. More information about each case can be found on **Teacher Resources 1, 2 and 3** at the end of this lesson.

An excellent resource for additional information is Oyez (pronounced OH-yay) at <https://www.oyez.org/>. This is a multimedia archive of Supreme Court cases, a project of Cornell's Legal Information Institute (LII), Justia, and Chicago-Kent College of Law. Another is the Bill of Rights Institute at <https://billofrightsinstitute.org/founding-documents/bill-of-rights/>. For students interested in contemporary issues of police and judicial reform, see the American Civil Liberties Union website at <https://nicic.gov/resources/re-sources-topics-and-roles/topics/reentrytransition>.

If students have already worked with Lesson 1 of this guide, they will be familiar with the extent of *de jure* segregation in the South. In this lesson, they will review some of the basic rights granted in the Constitution and assess how closely they were followed in Walter McMillian's case. They will then focus on these three important court cases that helped to make the system more just for all accused persons. They will learn what a court ruling looks like and how to prepare a legal brief based on that ruling. They will also consider the implications of that ruling for future cases (precedent).

Before class, prepare the handouts for distribution. A special note on **Handout 3**: Although the handout has spaces for students to write about concurring opinions and dissenting opinions as defined in **Handout 2**, in these particular Supreme Court cases, these opinions are often about technical issues and do not add much to students' understanding of the case. You may wish to omit these two items when you prepare the handout.

This lesson presents an ideal opportunity to invite a lawyer to speak to your class, particularly one with an interest in legal rights, such as someone from the American Civil Liberties Union. You can find your local ACLU office at <https://www.aclu.org/about/affiliates>. It may also inspire your students to investigate the requirements and advantages of a career in the legal profession as a lawyer or paralegal.

Some students may find, after viewing this film and working through these lessons, that they wish to know more about the criminal justice system. You may wish to engage them in research on such topics as:

- Mass incarceration. Why does the United States have more people in prison as a percentage of the population than any other developed country?² What happens to them and their families as a result, even after they are released? [Resources: The Brennan Center for Justice at <https://www.brennancenter.org/issues/end-mass-incarceration> and the Equal Justice Initiative at <https://eji.org/>]

2- <https://worldpopulationreview.com/country-rankings/incarceration-rates-by-country>



- Prison conditions. Escalating violence in prisons, understaffing, a failure to provide adequate medical care, and other causes have allowed deteriorating conditions in the nation's prisons. For-profit prisons are run by corporations that make money by encouraging long prison terms and blocking criminal justice reform efforts. [Resources: EJI at <https://eji.org/issues/prison-conditions/> and the Human Rights Watch Prison Project at <https://www.hrw.org/legacy/advocacy/prisons/u-s.htm>.]
- Re-entry challenges. According to the National Institute of Corrections, three-quarters of state offenders are re-arrested within five years of leaving prison.³ What happens when someone is released from prison into society? What resources are available to help this person make a transition to a normal life and prevent recidivism? [Resources: <https://nicic.gov/offender-re-entry-transition> and EJI's re-entry program at <https://eji.org/news/eji-supports-clients-re-entry-services/>.]

Common Core Standards addressed by this lesson

CCSS.ELA-LITERACY.RH.9-10.1

Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-LITERACY.RH.9-10.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-LITERACY.SL.9-10.4

Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.

CCSS.ELA-LITERACY.WHST.9-10.1.D

Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

³ <https://nicic.gov/offender-reentry-transition>



Duration of Lesson

3 or 4 class periods

Assessment(s)

One or more case briefs

Materials

Photocopies of:

Handout 1: The Civil War Amendments

Handout 2: What Is a Case Brief?

Handout 3: Case Brief Template

Computer access for research

Procedure

1. Begin the class by asking students what an amendment to the Constitution is. (A change to the Constitution. It must be supported by a 2/3 vote of each house of Congress and then ratified by 3/4 of the states.) Explain that in the film *Just Mercy*, there are several rights guaranteed by Constitutional amendments that were ignored in Walter McMillian's case.

2. Distribute copies of **Handout 1: Your Rights Under the Constitution**. Read through the six amendments listed there and discuss each with your students to be sure that they understand the protections the amendments guarantee. Then ask them to underline the provisions of the amendments that were ignored or violated in Walter McMillian's case.

Suggested answers:

6th Amendment: "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

7th Amendment: "nor shall [a person] be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

8th Amendment: "the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State" and "have the Assistance of Counsel for his defense."

14th Amendment: "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law"



3. Ask students: Was it enough for Congress to pass these amendments? (No, this did not change the behavior of either individuals or states after Reconstruction ended.) If students have completed Lesson 1, briefly review the material they have learned to establish the context for this lesson. If not, ask them what they know about “Jim Crow” laws in the South in the late 19th and early 20th centuries. Fill in gaps in their knowledge with information from Notes to the Teacher.

4. Ask students what they remember about the legal system portrayed in the film *Just Mercy*. They should recall such elements as:

- Bryan Stevenson being strip-searched by a white guard when he enters the prison to meet with his client
- Johnny D’s conviction on the word of a convicted man who was trying to prevent his own execution
- The inability of Johnny D’s friends to testify that he was with them at the time of the murder and therefore had an alibi
- The all-white jury
- The execution of a black man who was clearly mentally and emotionally incapacitated by PTSD
- The presumption of guilt because Johnny D had previously had an affair with a white woman

5. Show the clip from the film at that begins at 1:28:13 (Scene 19) and stop it at 1:37:38. Ask students to recall what kinds of evidence were suppressed at the original trial (police officer’s testimony, psychiatrist, evidence of an alibi). Point out that Bryan says that this is a violation of *Brady v. Maryland*. Ask students why a previous case in Maryland would affect a trial in Alabama. Explain that this was a Supreme Court case that established a *precedent*. A precedent means that later cases across the country are expected to abide by the decision; if they don’t, they may be appealed and overturned. This is what is known as *common law*, which supplements laws made by Congress and regulations by government agencies.

6. Explain to students that they are going to research the case of *Brady v. Maryland* using a research organizer that follows the format of a case brief, a study tool that law students use to help them understand and recall a vast number of cases. **Distribute Handout 2: What Is a Case Brief?** and read through it with students so that they understand what a case brief is. Point out that this is different from the kind of brief that a lawyer submits to a judge in a case being adjudicated; this is a tool used by law students to understand and remember cases.

7. Explain to students that later court cases, beginning in the 1960s, expanded the protections guaranteed by the amendments they have read. Once a case is decided by the Supreme Court, lower courts and state courts must abide by it. Distribute **Handout 3: Case Brief Template** and ask students to look at it quickly. Tell them that they are going to brief a case the way law students would, to help them understand and remember the case.

8. Divide students into three groups and assign one of these court cases to each group to research and analyze: *Brady v. Maryland*; *Gideon v. Wainwright*; and *Batson v. Kentucky*. Write the names of the cases on the board so that students can copy them down correctly.

9. After students have had adequate time to research, initiate a class discussion on how each case expanded legal protections. Use the three Teacher Resources at the end of this lesson to guide the discussion. Ask students: Why were these cases argued starting in the 1960s? (It was the era of the civil rights movement. Other recently decided cases, such as *Brown v. the Board of Education*, had expanded rights in other areas.

10. Ask students to write in their journals or on an “exit ticket” about whether what they have learned in this lesson is still relevant today.

Handout 1

Your Rights Under the Constitution

In order to fully understand the principles that Bryan Stevenson is defending in the film, you should be familiar with the following Constitutional Amendments. Read through them all and be sure you understand them. Then underline sections of these amendments that you think were violated in the case of Walter McMillian.

From the Bill of Rights:

Sixth Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Seventh Amendment: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Eighth Amendment: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

14th Amendment (From the “Civil War Amendments”): All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws....



Handout 2

What is a Case Brief?

A case brief is a tool that law students use to understand and recall important cases. Bryan Stevenson undoubtedly did many of them at Harvard. They have certain key elements:

1. The Facts of the Case

Who is the plaintiff (the one bringing the lawsuit or other legal action)? Who is the defendant (the person who is sued or accused)? What events led to the dispute between the plaintiff and the defendant?

2. Legal Issue(s)

What is the legal question that is to be decided? (This should be phrased as a question that can be answered with a “yes” or “no.”)

3. The Ruling

What was the Court’s decision in this case? That is, who won?

4. The Reasoning

What were the reasons why the court decided as it did? These will be set out in the majority opinion, written by one of the judges in the majority.

5. Concurrences

Sometimes judges who agree with the majority wish to explain their own opinions further. Such an explanation is called a concurrent opinion. Which judges, if any, chose to do so? What were their main points?

6. Dissents

Sometimes judges disagree with the majority opinion and write an explanation of the reasons why they think the decision is wrong. Which judges, if any, chose to do so? What were their main points?

When you are writing a case brief, never copy the facts, opinions, etc., word for word. Remember that you want to set this information down in plain, straightforward English so that anyone can understand.

An excellent resource for researching a case is <https://www.oyez.org/>. (“Oyez” means “Hear ye” and may be used at the opening of a court case.)

Handout 3

Case Brief Template

Name of the Case _____ Date _____

1. The Facts of the Case

2. Legal Issue(s)

3. The Ruling

4. The Reasoning

5. Concurrences, if any

6. Dissents, if any

Teacher Resource 1

Case Brief Answer Sheet

Name of the Case: *Brady v. Maryland*, 373 U.S. 83 (1963)

1. The Facts of the Case

Defendant John Leo Brady and a companion, Donald Boblit, were convicted of first-degree murder in separate jury trials. Both men were sentenced to death. At his trial, Brady admitted participating in the crime, but said that Boblit committed the actual murder. In his closing argument, Brady's attorney conceded that Brady was guilty of first-degree murder and asked only that the jury return a verdict "without capital punishment."

Before trial, Brady's attorney had asked the prosecution to let him review Boblit's out-of-court statements. Several were shown to him, but the prosecution withheld a statement in which Boblit admitted to the actual killing. Brady did not become aware of this statement until he had been tried, convicted, and sentenced, and after his conviction was affirmed by the Court of Appeals of Maryland.

In a post-conviction proceeding, the Court of Appeals of Maryland held that the suppression of evidence denied Brady due process, but the case was only remanded for a new trial on the question of punishment since the court found that the suppressed confession would not have reduced Brady's offense below first-degree murder. Brady appealed to the Supreme Court for a new trial.

2. Legal Issue(s)

- a. Did the suppression of evidence by the State violate Brady's rights under the due process clause of the 14th Amendment?
- b. Was the Maryland Court of Appeals wrong to remand only on the question of punishment?

3. The Ruling

- a. Yes
- b. No

4. The Reasoning

Justice William O. Douglas, writing for the majority of the Court, wrote that "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." The Court further stated that "[s]ociety wins not only when the guilty are convicted, but when criminal trials are fair; our system of the administration of justice suffers when any accused is treated unfairly. Judgment affirmed.

5. Concurrences, if any

Justice Byron White: The Maryland Court of Appeals did not specify whether their decision was based on the due process clause of the U.S or Maryland Constitutions. If the Maryland Court of Appeals was referring to Maryland's Constitution, the Supreme Court did not have jurisdiction as the case was an issue of state law. Because it was unclear which constitution was being invoked, the Court's due process analysis was purely advisory. The Court's due process analysis went beyond the issues raised in the lower court and that it is the role of legislators, the bench, and the bar to use the legislative or rule-making process to enact new rules concerning criminal discovery.

6. Dissents, if any

Justice John M. Harlan II: The judgment of the Court of Appeals of Maryland should have been vacated so that it could be determined whether Boblit's confession would have been admissible at Brady's trial on the issue of guilt.

Teacher Resource 2

Case Brief Answer Sheet

Name of the Case: *Gideon v. Wainwright*, 372 U.S. 335 (1963)

1. The Facts of the Case

Clarence Earl Gideon was charged with breaking and entering with the intent to commit a misdemeanor, which is a felony under Florida law. At trial, Gideon asked the court to appoint him an attorney because he could not afford one. The trial court denied his request because Florida law only permitted counsel to be appointed for poor defendants charged with capital crimes. Gideon represented himself but was found guilty and sentenced to five years in prison. Gideon's petition for writ of habeas corpus was denied by the Florida Supreme Court. Gideon then filed a petition for writ of certiorari.

2. Legal Issue(s)

Did the trial court err in refusing to appoint an attorney for Gideon?

3. The Ruling

Yes

4. The Reasoning

Justice Hugo Black, writing for the majority, stated that the Sixth Amendment's guarantee of counsel is a fundamental right essential to a fair trial, and petitioner's trial and conviction without the assistance of counsel violated the 14th Amendment.

Reversed and remanded.

5. Concurrences, if any

Justice Tom C. Clark: The constitution makes no distinction between capital and noncapital cases.

Justice John M. Harlan II: *Brady v. Betts* should be overruled, but we should talk about its history more. This was a 1942 Supreme Court case that said refusing to appoint counsel for someone who could not pay for his own lawyer did not violate the Sixth Amendment.

Justice William O. Douglas: Discussion of the relation between the Bill of Rights and the 14th Amendment.

6. Dissents, if any

None



Teacher Resource 3

Case Brief Answer Sheet

Name of the Case: *Batson v. Kentucky*, 476 U.S. 79 (1986)

1. The Facts of the Case

James Batson was an African American defendant indicted for burglary and receipt of stolen goods. During jury selection (voir dire) the prosecutor used his peremptory challenges (ability to object to a potential juror without giving a reason) to remove all four African Americans from the jury pool. Before the trial began, Batson challenged the removal of these jurors as violations of his Sixth Amendment right to an impartial jury and the Equal Protection Clause of the 14th Amendment. The jury convicted Batson on both counts. Batson appealed his case to the Supreme Court of Kentucky and his convictions were affirmed.

2. Legal Issue(s)

Does the use of peremptory challenges to remove a potential juror from the jury pool based on race violate the Equal Protection Clause of the 14th Amendment?

3. The Ruling

Yes

4. The Reasoning

Justice Lewis F. Powell, Jr., writing for the majority of the Court, held that while a defendant has no right to a jury that is partially or completely composed of his own race, the prosecution may not use its peremptory challenges to exclude potential jury members simply because of their race. "The Equal Protection Clause guarantees the defendant that the state will not exclude members of his race from the jury venire on account of race or on the false assumption that members of his race as a group are not qualified as jurors."

"The harm from discriminatory jury selection extends beyond that inflicted on the defendant and the excluded juror to touch the entire community. Selection procedures that purposefully exclude black persons from juries undermine public confidence in the fairness of our system of justice."

Once a defendant in a criminal case is able to show that race was the reason potential jurors were excluded during jury selection, it becomes the state's burden to provide a race-neutral explanation for the decision to exclude the potential jurors. Reversed and remanded.

5. Concurrences, if any

Justice Byron White: Because prosecutors have ignored the Court's warnings in previous cases about the use of peremptory challenges to exclude jurors based on race, an inquiry into the reasoning behind the exclusion is warranted.

Justice Thurgood Marshall: Peremptory challenges should be eliminated in criminal proceedings so that they cannot be used to hide impermissible racial considerations. Under the current system, prosecutors can still discriminate as long as the discrimination is not blatant. It is now the trial court's burden to determine the prosecutor's motive.

Justice John P. Stevens and Justice Sandra Day O'Connor: Their concurrences don't really offer anything relevant to the crux of this case. Stevens said it was permissible for the Court to rule on the Equal Protection Clause claim even though it was not initially raised by the petitioner because the respondent raised it in the defense. O'Connor agreed that this ruling would not be retroactive.

6. Dissents, if any

Chief Justice Warren Burger: Peremptory challenges have had a long history in both England and pre-Revolution America. Their purpose is to allow the elimination of a particular juror without reason. Peremptory challenges are part of the framework of our jury system and they should not be casually cast aside. (Burger also talks about how the Court should not have decided the Equal Protection Clause issue because the petitioner did not properly raise the challenge.)

Justice William Rehnquist: The Equal Protection Doctrine has been misapplied. "In my view, there is simply nothing 'unequal' about the state using its peremptory challenges to strike blacks from the jury in cases involving black defendants, so long as such challenges are also used to exclude whites in cases involving white defendants, Hispanics in cases involving Hispanic defendants, Asians in cases involving Asian defendants, and so on."

Wrongful Convictions in our Justice System

Enduring Understandings

- False confessions, improper forensic evidence, improper official conduct, and flawed witness testimony can lead to wrongful convictions.
- The Innocence Project, the Equal Justice Initiative, and Conviction Integrity Units are reviewing cases and working to free people wrongfully convicted.
- As much as we aspire for justice to be fair and equal, many people do not experience those conditions.

Essential Questions

- What factors can lead to wrongful convictions?
- What are some of the cases that the Innocence Project and the Equal Justice Initiative are working on?
- What are some of the experiences of some innocent people who engage with the justice system?

Notes to the Teacher

In 2018 the National Registry of Exonerations published a study showing that over the previous twenty years, 2,265 exonerees served a total of 20,080 years behind bars⁴. This lesson introduces students to unfair actions of the judicial system which have wreaked havoc with the lives of innocent people. It should be noted that people of color are more likely to be wrongly convicted than whites, spend more time in prison before exoneration, and be compensated less for time wrongly served. Americans are becoming more aware of the role racial bias, whether conscious or unconscious, plays in the justice system.

A useful resource for this section is a recent article from the *Washington Post* that summarizes the reasons for unfair convictions. A full 54% are the result of government misconduct; police were involved in 34% of the cases and prosecutors in 30%, and some convictions were the result of misconduct by both police and prosecutors. For more information, see <https://www.washingtonpost.com/crime-law/2020/09/16/more-than-half-all-wrongful-criminal-convictions-caused-by-government-misconduct-study-finds/>.

The Equal Justice Initiative (EJI), founded in 1989 by Bryan Stevenson and the key organization in the film *Just Mercy*, is “committed to ending mass incarceration and excessive punishment in the United States, to challenging racial and economic injustice, and to protecting basic human rights for the most vulnerable people in American society.” It is a nonprofit organization that provides “legal representation to people who have been illegally convicted, unfairly sentenced, or abused in state jails and prisons.”⁵

⁴ <https://www.washingtonpost.com/news/opinions/wp/2018/09/10/report-wrongful-convictions-have-stolen-at-least-20000-years-from-innocent-defendants>

⁵ <https://eji.org/about/>

[It is important to note that, while EJI represents people who are innocent of the crimes they are accused of, they also represent those who are unfairly sentenced, excessively punished, and subjected to inhumane conditions of confinement. For more information about these initiatives, you may wish to consult their webpage on criminal justice reform at <https://eji.org/criminal-justice-reform/>. See Internet Resources, below.]

There are a number of other organizations that work to investigate and reverse unfair convictions. The Innocence Project, founded in 1992 by Peter Neufeld and Barry Scheck at Cardozo School of Law, “exonerates the wrongly convicted through DNA testing and reforms the criminal justice system to prevent future injustice.”⁶

Many district attorneys have created Conviction Integrity Units in their offices. These units work to investigate cases in which convictions seem unfair or the defendant has been exonerated. The cases may be brought to the unit’s attention by an innocence project, a defense attorney, or even the convicted person *pro se*. The units work to correct steps that have led to a wrongful conviction in order to prevent future ones.⁷

This lesson on wrongful convictions can be completed before or after viewing *Just Mercy*. In this lesson students review real individual cases, outline the factors leading to wrongful convictions, and see the work of organizations like the Innocence Project and the Equal Justice Initiative. **Handout 1** allows students to make notes and review individual cases. To prepare for the lesson, you will need to either photocopy the handouts or prepare to distribute them digitally.

Please be aware that the content in this lesson is sensitive in nature. You should examine the suggested cases and decide if you need to select different cases for your own students, depending on their level of maturity. Additionally, you can

allow students to personalize the lesson and select their own cases. The National Registry of Exonerations allows students to filter by state, type of case, or other factors. It may be found at <http://www.law.umich.edu/special/exoneration/Pages/detailist.aspx>.

Before the lesson, decide how many cases you will need. The lesson suggests six cases, but you may eliminate some or add to them as you wish, depending on the size, ability, and maturity of your class. Copy the name of each convicted person below and the URL of his or her case on slips of paper, so that each student has a copy. Photocopy **Handouts 1 and 2** for each student. The answer key to the research is compiled for you on Teacher Resource 1.

Diane Jones
<https://eji.org/cases/diane-jones/>

Beniah Dandridge
<https://eji.org/cases/beniah-dandridge/>

Anthony Ray Hinton
<https://eji.org/cases/anthony-ray-hinton/>

Charles Chatman
<https://www.innocenceproject.org/cases/charles-chatman/>

Ralph Armstrong
<https://www.innocenceproject.org/cases/ralph-armstrong/>

Kirstin Blasie Lobato
<https://www.innocenceproject.org/cases/kirstin-blaise-lobato/>

The extension lesson is designed to allow students to engage with local aspects of criminal justice work. **Handout 3** identifies best practices for successful interviews. Additional class periods can be used to complete this part. Many states have a more local form of the Innocence Project, such as the ones listed at <https://innocencenetwork.org/members/>. Check to see if your location has a Conviction Integrity Unit and interview a member of that team. You can also invite a local lawyer to speak.

⁶ <https://www.innocenceproject.org/about/>

⁷ <https://www.law.umich.edu/special/exoneration/Pages/Conviction-Integrity-Units.aspx>



Some additional resources that may be of help to you and your students:

Print materials

Just Mercy: A Story of Justice and Redemption
by Bryan Stevenson

The New Jim Crow: Mass Incarcerations in the Age of Colorblindness
by Michele Alexander

Adnan's Story: The Search for Truth and Justice After Serial
by Rabia Chaudry

Internet resources

Equal Justice Initiative <https://eji.org/>, including pages on:

- Criminal justice reform at <https://eji.org/criminal-justice-reform/> which includes information on the death penalty, children in adult prisons, excessive punishment, and prison conditions, as well as wrongful convictions
- Racial justice at <https://eji.org/racial-justice/> which includes information on the history of slavery, lynching, racial segregation, and the presumption of guilt
- A public education project, which includes a monthly and daily calendar of the history of racial injustice at <https://eji.org/public-education/>.

The Innocence Project <https://www.innocenceproject.org/>

The National Registry of Exonerations <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>

Media

13th (Netflix) – a film by Ava Duvernay

The Innocence Files (Netflix) – 9 episodes

Making a Murderer (Netflix) – 20 episodes

TIME: The Kalief Browder Story (Netflix) – 6 episodes

The Case Against Adnan Syed (HBO) – 4 episodes

Serial (Seasons 1 & 3) (Podcast)

Undisclosed (Podcast)

Common Core Standards addressed by this lesson

CCSS.ELA-LITERACY.RI.11-12.2

Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text.

CCSS.ELA-LITERACY.RI.11-12.3

Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.

CCSS.ELA-LITERACY.RH.9-10.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-LITERACY.W.9-10.8

Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.

CCSS.ELA-LITERACY.W.9-10.9

Draw evidence from literary or informational texts to support analysis, reflection, and research.

CCSS.ELA-LITERACY.SL.9-10.1

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9-10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

continued on p.50



**Common Core Standards addressed by this lesson,
continued**

CCSS.ELA-LITERACY.SL.9-10.1.A

Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.

CCSS.ELA-LITERACY.SL.9-10.1.B

Work with peers to set rules for collegial discussions and decision-making (e.g., informal consensus, taking votes on key issues, presentation of alternate views), clear goals and deadlines, and individual roles as needed.

CCSS.ELA-LITERACY.SL.9-10.1.C

Propel conversations by posing and responding to questions that relate the current discussion to broader themes or larger ideas; actively incorporate others into the discussion; and clarify, verify, or challenge ideas and conclusions.

CCSS.ELA-LITERACY.SL.9-10.1.D

Respond thoughtfully to diverse perspectives, summarize points of agreement and disagreement, and, when warranted, qualify or justify their own views and understanding and make new connections in light of the evidence and reasoning presented.

CCSS.ELA-LITERACY.SL.9-10.4

Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.

Duration of Lesson

2-3 class periods

Assessment(s)

Completion of **Handout 1: Wrongful Conviction Case Studies**

Case presentations

Notes on **Handout 2: Wrongful Convictions Case Summaries**

Interview questions and notes (optional)

Essay (optional)

Materials

Access to computers with Internet for research

Handout 1: Wrongful Conviction Case Study

Handout 2: Wrongful Convictions Case Summaries

Handout 3: Tips on Interviewing

Important websites:

The Innocence Project

<https://www.innocenceproject.org/>

Equal Justice Initiative

<https://eji.org/>

National Registry of Exonerations

<http://www.law.umich.edu/special/exoneration/Pages/about.aspx>



Procedure

1. Introduce the topic of wrongful convictions. If students have already seen the film *Just Mercy*, ask them to explain why Walter (Johnny D) was wrongly convicted. Tell them about the Equal Justice Initiative and other organizations that do similar work, using the information from Notes to the Teacher. If students have completed Lesson 3, review with them the constitutional protections clarified and guaranteed by the *Brady*, *Gideon*, and *Batson* cases. Point out that, although protections are real in the law, they are not always applied in practice. That is why appeals courts and organizations such as the Equal Justice Initiative exist.

2. Distribute **Handout 1: Wrongful Convictions Case Study**. Explain to students that they will be researching real cases of real individuals. Distribute the slips of papers with case names and URLs. Divide students into six or more groups corresponding to their cases.

3. Review the handout with students before they begin. Tell them for their assigned case they should first summarize details about the case. Then they should record how false confessions, improper forensic evidence, improper official conduct, or flawed witness testimony impacted these cases, if at all. (Be sure that they understand the meaning of these terms.) Point out that there is also a question about other factors in the case that are important which may not fit in any of the other categories. Also point out that there is a section to record about the exoneree's life after release.

4. Give students time to research and fill in the chart on **Handout 1** and then to discuss their findings within their groups. Ask them to use the time to plan their presentation as well.

5. Have student groups present case information and, for each case, have the student audience take notes on **Handout 2: Wrongful Convictions Case Summaries**.

6. Class discussion: Help students identify underlying trends and impacts using questions such as these:

- In what ways are these cases similar?
- In what ways were you able to see how technology has helped us review questionable convictions?
- Why do you think this process takes as much time as it does? What is the impact of time on the person convicted? On the case itself?
- How do you think the legal system affects families?

7. To wrap up the lesson, ask students to write in their notebooks two important things that they have learned from this lesson. Allow time for several volunteers to share their writing.

Extension activities

1. Assign an essay using the following prompt: How would you change the justice system to reduce the number of wrongful convictions?

2. In the movie *Just Mercy*, Bryan Stevenson and Eva Ansley have a discussion at the dining room table about the cases that launched their interests in working on wrongful convictions. This extension activity provides students an opportunity to reach out to and communicate with a local official working in wrongful convictions. Included are tips for a successful interview.

Best practice for this activity would be for the class to research, select, and contact one lawyer to invite for a class interview. The interview could be in-person or by phone or video. Individual students can create their own questions before the interview according to **Handout 3: Tips on Interviewing**. Students should then review everyone's questions and compile a list of the best questions to ask the attorney.

The author of each question should ask it in the interview. Every student who is not asking a question should have the opportunity to ask one follow-up question during the interview, so that everyone feels invested in the activity.

Students could complete this interview activity independently, but the available number of lawyers in this field in the local area may be limited.

3. An individual can be guilty of a crime but still be wrongly convicted and mistreated within the criminal justice system. EJI believes that all people are deserving of mercy and compassion. Herbert Richardson, who is executed in the electric chair in an excruciating scene in *Just Mercy*, was a Black Vietnam War veteran who unintentionally killed a woman while suffering from severe PTSD incurred during his military service. Have students read his story at <https://eji.org/cases/herbert-richardson/>. Then give students time to prepare oral or written arguments on this prompt: “The death penalty should be abolished in the United States.” Have them conduct a debate in class or write letters to the editor of a local newspaper on this subject.



Lesson 4 U.S. Government, Civics

Handout 1

Wrongful Convictions Case Study

Student Name(s) _____

Your case _____

1. Provide a brief summary of the case, including the length of time that the exoneree served in prison:



2. Using your assigned case, identify and explain which of these trial elements affected your subject's case. You may need to use one, several, or all of the elements listed, depending on your assigned case.

False confessions	
Forensic evidence	
Official misconduct (by law enforcement, lawyers, judges, etc.)	
Witness testimony	
Any other factors important in the case	

3. What if anything have you learned about your subject's life after release?



Handout 2, Page 1

Wrongful Convictions Summary

Case name and URL	False confessions	Forensic evidence	Official misconduct	Witness testimony	Other factors?	After release?
Diane Jones https://eji.org/cases/diane-jones/ Brief details about the case:						
Beniah Dandridge https://eji.org/cases/beniah-dandridge/ Brief details about the case:						



Handout 2, Page 2

Wrongful Convictions Summary

Case name and URL	False confessions	Forensic evidence	Official misconduct	Witness testimony	Other factors?	After release?
Anthony Ray Hinton https://ejj.org/cases/anthony-ray-hinton/ Brief details about the case:						
Charles Chatman https://www.innocenceproject.org/cases/charles-chatman/ Brief details about the case:						



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Wrongful Convictions Summary

Case name and URL	False confessions	Forensic evidence	Official misconduct	Witness testimony	Other factors?	After release?
Ralph Armstrong https://www.innocenceproject.org/cases/ralph-armstrong/ Brief details about the case:						
Kirstin Blasie Lobato https://www.innocenceproject.org/cases/kirstin-blasie-lobato/ Brief details about the case:						



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Wrongful Convictions Case Studies (Answer Key)

Case name and URL	False confessions	Forensic evidence	Official misconduct	Witness testimony	Other factors?	After release?
Diane Jones https://ejj.org/cases/diane-jones/ Brief details about the case:			Her initial lawyers also represented her former boyfriend and refused to let him testify in her defense.		Received a mandatory life sentence because of Alabama's Habitual Felony Offender Act (HFOA).	Lived with her mother and children. Earned a bachelor's degree. Received a full pardon in 2017.
Beniah Dandridge https://ejj.org/cases/beniah-dandridge/ Brief details about the case:		Only evidence was bloody fingerprints. Examiner used unreliable procedures to compare the fingerprints and ignored obvious differences.		Used jailhouse informant who received a shortened sentence for cooperating.	Fingerprints matched the victim's son, excluding Dandridge.	



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Wrongful Convictions Case Studies (Answer Key)

Case name and URL	False confessions	Forensic evidence	Official misconduct	Witness testimony	Other factors?	After release?
Anthony Ray Hinton https://ejl.org/cases/antho-ny-ray-hinton/ Brief details about the case:		No fingerprint evidence. Mother's gun used to tie him to all three crimes.	Prosecutor had a history of racial bias. Appointed defense attorney did not use a forensic professional to challenge the evidence.	No witnesses in two original crimes. Manager of a restaurant in a third crime identified him in a lineup.	Hinton had no history of violent crime and an alibi.	Serves as EJI Community Educator. He is a tireless and powerful advocate for abolition of the death penalty.
Charles Chatman https://www.innocenceproject.org/cases/charles-chatman/ Brief details about the case:		Initial testing linked Chatman because of blood type. Additional advanced testing later excluded Chatman.	Only met with the defense attorney once before trial.	Witness (who wears glasses but was not wearing them at the time of the attack) identified Chatman in a second photo array and later a photo lineup. The witness did not mention that she recognized Chatman from being in her neighborhood before.		Compensated by state statute



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Wrongful Convictions Case Studies (Answer Key)

Case name and URL	False confessions	Forensic evidence	Official misconduct	Witness testimony	Other factors?	After release?
Ralph Armstrong https://www.innocenceproject.org/cases/ralph-armstrong/ Brief details about the case:		Clothing, fingerprints, and hairs collected at the scene. Forensic expert linked some hair to Armstrong, but ignored the origin of other hairs	The prosecutor failed to disclose that he had received a call saying that Armstrong's brother could be the culprit. The prosecutor also ran additional DNA tests without notifying the defense, and in the process destroyed evidence.	A witness identified a lean, tall, man leaving the scene of the crime.	Police had the witness hypnotized More advanced DNA excluded Armstrong	
Kirstin Blasie Lobato https://www.innocenceproject.org/cases/kirstin-blasie-lobato/ Brief details about the case:	Interviews and statements made to police were viewed as a confession, but those statements were not.	The prosecution relied heavily on their medical examiner's time of death estimation to undermine Lobato's alibi the medical examiner estimated that Bailey died up to 24 hours before he was pronounced dead at 3:50 a.m. on July 9th, meaning at approximately 4 a.m. on July 8th.	Police never interviewed or investigated alternative suspects		The court found that Lobato's lawyers violated her constitutional right to effective legal representation. They should have called pathology and entomology experts regarding the victim's time of death, which would have supported her strong alibi.	

Handout 3

Tips on Interviewing

TIP #1: BE WELL-INFORMED

Research the basic background information regarding the person or activity you intend to cover.

TIP #2: BE PREPARED

Write a minimum of 10 open-ended questions before the interview.

Sample open-ended questions:

What do you think...

Why do you think...

How do you feel about...

Can you tell me about...

Closed questions (questions that can be answered with a single word or short phrase) are good for checking the facts.

TIP #3: BE PROFESSIONAL

Be on time for in-person interviews and dress professionally. Maintain eye-contact.

Conduct your interview in person or through video or audio call, NOT via email or text.

Take thorough notes or record the interview (with permission).

Ask for clarification as needed.

TIP #4: BE FLEXIBLE

It is important to have your questions scripted, but sometimes a subject's answers can lead you in new directions. Be flexible enough to follow the most interesting parts of the story.

TIP #5: BE PATIENT

When your subject stops talking, don't immediately fire off the next questions. Pause and give the subject time to think and perhaps add more detail.

TIP #6: BE COURAGEOUS AND ASK TOUGH QUESTIONS

Establish rapport, and then approach a difficult topic carefully. Reestablish the friendly relationship by asking neutral questions.

TIP #7: BE GRACIOUS

Say thank you after the interview and send a follow-up thank-you letter.



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