

WHEN THEY SEE US



DISCUSSION GUIDE



**WOVEN
TEACHING**
A PROGRAM OF THE BYLO CHACON FOUNDATION

WHO WE ARE

Woven Teaching is the human rights education practice of the Bylo Chacon Foundation. Through a combination of original programming and grantmaking, Woven Teaching advances the foundation's focus on long-term change towards a widespread acceptance of basic human rights for all.

Our programmatic work is dedicated to supporting classroom teachers with practical help for ethical and effective instruction. We believe that by weaving **human rights education** into the curriculum, we can help educators create socially responsible global citizens.

Woven Teaching envisions a world in which every student's education includes:

- A sense of historical perspective;
- The development of critical thinking skills;
- A feeling of global citizenship;
- The ability to spot bigotry, the understanding of its negative effects on both individuals and society, and the analytical tools to combat it.

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Do you have feedback on this lesson or want to share how you implemented it in your classroom? We'd love to hear from you! Please take our short evaluation at bit.ly/WT-eval or scan the QR code to the left.

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INTRODUCTION

Ava DuVernay’s limited series for Netflix, *When They See Us* (*WTSU*), explores systemic and institutional racism in the U.S. through the real story of the Central Park Five. This dramatization of the story reexamines the facts of this case. The Central Park Five were five Black and Latinx youth who were falsely accused, tried, and imprisoned for the brutal assault and rape of a white female jogger. Their case dominated the headlines and highlighted many of central issues in American society—race, socioeconomic class, sexual violence, and media manipulation. *WTSU* looks back on this chapter and shows the role of racial prejudice in society and how this is both reflected and shaped by media coverage; it also highlights the biases and prejudice against Black and Brown people that continue to taint many of our policies and systems.

When They See Us is a powerful and painful drama. The brutality that the film exposes can make it difficult to watch, and educators should prepare for the strong emotions that the series may bring up for students. Teachers should allow time to process the feelings elicited by the series. Descriptions of sexual violence, strong language, depictions of police brutality, and an examination of the vastly unequal treatment of people of color in the justice system and beyond are difficult topics and students may react with strong emotions.

Consider the implications of using this powerful drama in your classroom and how it might impact your students. *WTSU* is best suited for groups that have built a community of care and respect and which have a strong foundation in examinations of race and racial identity.

James Baldwin wrote, “Not everything that is faced can be changed, but nothing can be changed until it is faced.” With this in mind, we hope that you will consider bringing *When They See Us* into your classroom.

GRADE LEVELS:

9 - 12

TIME:

Approx. 7 hours (including viewing)

MATERIALS & TECHNOLOGY:

- Computer, projector, speakers
- Netflix.com account
- Student packet with synopsis, discussion questions, and key terms

COMMON CORE STANDARDS:

CCSS.ELA-LITERACY.SL.11-12.1
CCSS.ELA-LITERACY.RH.11-12.2
CCSS.ELA-LITERACY.RH.11-12.3
CCSS.ELA-LITERACY.RH.11-12.7
CCSS.ELA-LITERACY.RH.11-12.8

GUIDING QUESTIONS:

- How is racial bias expressed in the U.S. justice system?
- What rights does a person have when they are interrogated by police?
- How does incarceration impact individuals, families, and communities?
- In what ways does the justice system operate differently for different people, based on their race or class?

LEARNING OBJECTIVES:

- Describe the key facts and events of the Central Park Jogger case
- Examine how media can bias the public and influence the outcome of legal cases
- Analyze the role of racism and racial bias in U.S. justice system
- Understand some of the difficulties faced by the formerly incarcerated after their release from prison

CONSIDERATIONS FOR TEACHING ETHICALLY AND EFFECTIVELY

- Before sharing this lesson to your students, consider your personal thoughts and opinions about racism in America, as well as your own biases. How will your experiences inform the way that you present this lesson?
- Before viewing, remind students that racism is not only about individual actions; it is something that is ingrained in American culture. Encourage students to move past the idea of racism only as individual acts and examine how racism works on a systemic level.
- Our identities and personal experiences inform our responses. Keep in mind that students of color and white students may have very different reactions to *WTSU* and the class discussion. Where differences arise, address them openly with your students.
- Discussions about race can make students feel vulnerable and uncomfortable. Allow time to process the strong emotions that the film and discussion might elicit from your students. Additionally, tell students that they can expect to feel some discomfort. Sitting with and working through discomfort is critical to dismantling racism.
- Acknowledge that each of us has biases and prejudices that inform our beliefs and actions; these biases may be implicit or explicit. Most people do not want to consider themselves bigoted or racist, so honestly examining prejudices can be difficult and painful.
- When confronted with discussions of race, white people often state that they “don’t see color.” If students bring this up, engage your students in a discussion of how this point of view ignores the lived realities and experiences of many people of color.
- Caution students against making assumptions about each other based on their race, gender, or any other characteristic. No community is a monolith and members of the same group or ethnicity may have wildly different opinions about the issues raised in the series.
- Acknowledge that *WTSU* may be challenging to watch. Let students know that they can take a break from viewing the series and from the discussion, or opt out if needed. The purpose of showing and discussing the film is to illuminate and examine systems of oppression, not (re)traumatize.

FILM DISCUSSION GUIDE

RELEASE DATE: May 31, 2019
GENRE: Biography, Drama, History
DIRECTED BY: Ava DuVernay
PRODUCED BY: Harpo Films, Tribeca Productions, ARRAY, Participant Media
STARRING: Asante Blackk, Caleel Harris, Ethan Herisse, Marquis Rodriguez, Jharrel Jerome, Jovan Adepo, Chris Chalk, Justin Cunningham, Freddy Miyares
LENGTH: 4 hours, 56 minutes (4 episodes)
RATING: TV-MA
AVAILABLE ON: Netflix



SYNOPSIS

When They See Us (WTSU) is a powerful dramatic series by award-winning director Ava DuVernay. It tells the true story of the group known as the Central Park Five: five Black and Latinx teenagers who, in 1989, were falsely accused of the brutal rape and assault of a white woman in New York City's Central Park. Despite the lack of DNA or other physical evidence, the teens were convicted and spent the rest of their childhoods in prison. All five were exonerated in 2002, after the actual culprit's confession was verified by DNA evidence. The Central Park Five is now known as the Exonerated Five.

The film is split into four chapters and follows the journey of the accused:

ANTRON MCCRAY (15)



YUSEF SALAAM (15)



KOREY WISE (16)



KEVIN RICHARDSON (14)



RAYMOND SANTANA JR. (14)

Part One focuses on the boys' arrests, the police investigation, and the aggressive interrogation of the children. During this episode, the viewer sees the lengths at which that the New York Police Department (NYPD) and the Manhattan District Attorney's office were willing to go in order to coerce false confessions from the boys.



Design by Woven Teaching. Original image: Susabi Nishijima/Oetlix

1. The police officers use many dehumanizing words to describe the boys in custody (e.g. “animals”). What are some other examples, and what does this language tell us about their attitudes toward the boys?
2. Linda Fairstein, head of the sex crimes unit of the Manhattan District Attorney's office, says that she wants “an army of blue up in Harlem.” What is the significance of using a word like “army” to describe the police?
3. The boys do not know that they should ask for a lawyer before speaking to the police, or that they should not give a statement until their parents are present. Why is it important for people to know their rights before being interrogated? What are those rights (known as Miranda rights)?
4. Police officers are legally allowed to provoke or mislead suspects. They are also allowed to withhold food, water, and sleep during interrogations. Do you think that this should be allowed? Why or why not?
5. After the boys have been interrogated, Kevin asks, “Why are they doing us like this?” and Raymond responds by saying, “What other way they ever do us?” What does Raymond mean?



TAKE ACTION: KNOW YOUR RIGHTS!

Interactions with law enforcement can be stressful, but knowing your

rights can help you navigate a scary situation. The American Civil Liberties Union (ACLU) is a great resource – it even provides “magic words” that will help you during interactions with police. Check out the ACLU's “Know Your Rights” guide at bit.ly/aclu-kyr.

After you have read the guide, practice with a friend. What should you say if a police officer stops you for questioning? What shouldn't you say? Repetition is the key to memorization, so practice often.

NOTES:

Part Two examines the courts, the bail system, and the effect that arrest and incarceration has on the accused, their loved ones, and their community. During this episode, the viewer gets a glimpse into the courtroom and understands the role that the media and social bias played in guaranteeing that the boys were not considered “innocent until proven guilty.”

1. At the beginning of the episode, we hear a quote from a 1989 article in the New York Post:

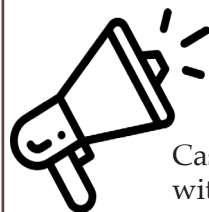
“They were coming downtown from a world of crack, welfare, guns, knives, indifference, and ignorance. They were coming from a land of no fathers. They were coming from the wild province of the poor, and driven by a collective fury brimming with the rippling energies of youth, their minds teeming with the violent images of the streets in the movies. They had only one goal: to smash, hurt, rob, stomp, rape. The enemies were rich... Their enemies were white.”

What role did articles like this – and the journalists who wrote them – play in ensuring that the boys were not considered “innocent until proven guilty”? How does the author see this group of boys? What specific words or phrases highlight the bias of the author?

2. Antron, Yusef, and Kevin are eventually bailed out of jail. Why do you think that many people consider cash bail to be unjust? How might this system disproportionately affect people from poor communities? Can you think of a better or more equitable policy?
3. Although the boys’ racial identities greatly impacted the case and its publicity, Kevin’s lawyer, a white man, says “I think it’s a mistake to make this about race.” If the defendants had been young white boys, how might their arrests, trials, and sentences be different than those of the Central Park Five? If the jogger had been a woman of color, how do you think that trial, the media, and public opinion might have differed?
4. In the U.S., more than 95 percent of convictions are secured through plea deals, where a defendant agrees to plead guilty in exchange for less serious charges or a lighter sentence than they might receive if they were to be convicted in a trial. Why do the boys not agree to a plea deal? In your opinion, what effect might plea deals have on incarceration in the United States?



Design by: Women Teaching Original Image: Anan's Notebook Photos



TAKE ACTION: END THE CASH BAIL SYSTEM!

Cash bail disproportionately affects individuals with low incomes and people of color. The National Bail Out Collective, a Black-led group of organizers and activists from around the country, is working to end cash bail. The organization collects funds to bail individuals out of jail, supports ongoing bail reform efforts, and provides employment for people who have been released from jail on bail. Learn more about the National Bail Out Collective and get involved at NationalBailOut.org.

WHEN THEY SEE US

FILM DISCUSSION: PART THREE

Part Three looks at detention, parole, and how the formerly incarcerated rebuild their lives on the outside. The viewer gains an understanding of the difficulties that people face after prison: finding and maintaining employment, abiding by curfews, checking in with their parole officer, building/repairing relationships, and more.



TAKE ACTION: PROTECT VOTING RIGHTS!

As of 2018, over six million people are barred from voting because of

felony convictions. Does your state grant voting rights to formerly incarcerated individuals? The Brennan Center for Justice tracks voting laws throughout the United States. Check the voting rights in your state at bit.ly/bcfj-vote.

Want to advocate for change? Contact your local state representative and let them know that you care about voting rights for formerly incarcerated individuals. Find your representatives at bit.ly/who-represents.

1. Sharonne Salaam loses her job as a result of Yusef's conviction. What are some other effects that a person's incarceration might have on their loved ones? What are some of the barriers that the boys – now men – experience after they are released from prison?
2. Raymond is sent back to prison for violating the conditions of his parole. In many cases, people are reincarcerated for relatively minor offenses such as staying out past their curfew. Do you think that the parole system should be more forgiving and not punish violations as harshly? Why or why not?
3. At the end of Part Three, Raymond says the following:

"We was just out. It was a nice night. That's all. We was just hanging out. They say 'boys will be boys.' When they say 'boys,' they not talking about us. They talking about other boys from other places. When did we ever get to be boys?"

"I can't be something I'm not. I ain't a citizen. They don't want me to be. I don't even want to be. I'm somewhere I don't know. Half in, half out No matter where I go."

Who is the "they" that Raymond is talking about? Why do you think that he describes himself as "half in, half out?" What does he mean when he says he isn't a citizen?

4. In most states, incarcerated individuals lose their right to vote. In many states, they are still not allowed to vote while on parole. Do you think that incarcerated (and formerly incarcerated) individuals should retain the right to participate in democracy? Why or why not? How might this restriction disproportionately impact people of color? What are some of the implications for elections?

FILM DISCUSSION: PART FOUR

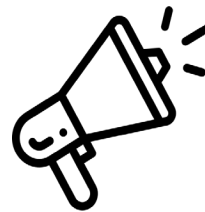
WHEN THEY SEE US

Part Four takes the viewer into prison through the eyes of Korey Wise, the only one of the boys who was sentenced to serve time in adult prison. The viewer sees how dangerous prison can be for those inside, due to both corrupt correctional officers and tough prisoners, as well as the tortuous conditions of solitary confinement.

1. Sixteen years old at the time of his arrest, Korey was the oldest of the five boys and was tried as an adult. Do you think that prosecutors should be able to try children as adults? Why or why not?
2. Korey has both a hearing impairment and a learning disability. How might this have affected his ability to interact with the police or understand what they were asking him to do?
3. Article 5 of the United Nations Universal Declaration of Human Rights states that, “No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment.” Many activists argue that solitary confinement is a form of torture. Do you agree that Korey’s human rights were violated when he spent time in solitary confinement? Why or why not?
4. Korey’s sibling Marci identified as transgender and was murdered while Korey was in prison. Why do you think the director felt it was important to include this detail in the film?
5. In order to be granted parole, Korey would have had to confess to a crime that he had not committed. In your opinion, did Korey do the right thing by maintaining his innocence, or should he have lied and admitted guilt to get out of prison? Why or why not?



Design by Woven Teaching. Original Image: Amanda Stillman/Netflix



TAKE ACTION: JOIN OR CREATE A CAMPAIGN TO END YOUTH INCARCERATION

Every year, nearly 100,000 youth are put into the adult justice system, including children as young as seven. There are many groups throughout the country advocating for change; one of these groups is the No Kids in Prison, a national campaign to end youth incarceration and invest in community-based supports, services, and opportunities for youth. You can get involved by joining or creating a campaign in your area. Learn more at bit.ly/nkip-action.

NOTES:



1. What do you think the title – *When They See Us* – means?
2. The crime and the trial took place 30 years ago. Why did Ava DuVernay make this film now? How might this case play out differently if it happened today? How might the media coverage change? How might social media play a role? What might contemporary activists do to raise awareness about the issue of racism in the justice system?
3. Many activists argue that the justice system is broken. After watching *When They See Us*, do you agree? Why or why not?
4. Following the release of *When They See Us*, activists successfully organized for Linda Fairstein and Elizabeth Lederer to lose their jobs. Fairstein, who is now an author, was dropped by her publisher, and Lederer resigned from her teaching position at Columbia University. Do you think that there should also be legal consequences for prosecutors who wrongfully convict innocent people? Why or why not?
5. In 2014, the Exonerated Five won a settlement of \$41 million from the City of New York. What other ways can cities and states compensate those who have been wrongfully convicted? What have the Exonerated Five lost as a result of their convictions and time spent in prison?

KEY TERMS & FACTS

bail: release from jail before a trial.

70% of bail agreements require monetary payments.¹ In this system, the accused must pay money in order to be released from jail. If they show up to court when required, the accused gets their money back. As of 2019, 540,000 people are imprisoned in U.S. jails awaiting their trial; they are incarcerated without having been convicted of a crime.²

bias: prejudice for or against something, often in a way that is considered unfair.

defendant: an individual who has been accused of a crime (or is being sued) in court.

dehumanization: to deprive someone of human qualities or dignity; the process of treating someone in a degrading manner.

District Attorney (DA): a chief prosecutor for a local government area (usually a county). The DA and their team are responsible for presenting cases against individuals who are accused of breaking the law.

District Attorneys often work closely with law enforcement agencies to investigate and prosecute individuals suspected of committing crimes. DAs are elected officials, so it is important to not overlook them when voting in local elections. By voting for DA candidates who are passionate about reducing racial bias in the justice system, the public can help to make the justice system more equitable.

exoneration: when a person who has been convicted of a crime is later cleared of all charges as a result of new evidence.

Since 1989, almost 2,500 people have been exonerated in the United States.³ When you add up the amount of time that they spent in prison, these exonerees have lost a combined 21,000 years of life.

incarceration: the state of being held in jail or prison; imprisonment.

As of 2019, there are approximately 2.3 million people in jail or prison in the U.S.

interrogation: the act of questioning someone.

As the result of several U.S. Supreme Court decisions, police officers are legally allowed to mislead a suspect.⁴ This can include: stating that they have physical evidence against them; stating that an eyewitness can place them at the scene of the crime; or stating that the conversation will be “off the record.”

Although law enforcement officers can lie to a suspect, individuals should never lie to a police officer. Anything that a person says to a law enforcement officer can be used against them.

Latinx: a person of Latin American origin or descent; a gender-neutral version of the words ‘Latino’ and ‘Latina.’

1. Report of The Sentencing Project to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance Regarding Racial Disparities in the United States Criminal Justice System, The Sentencing Project, March 2018, <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/> (accessed August 8, 2019).

2. Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2019,” Prison Policy Initiative, <https://www.prisonpolicy.org/reports/pie2019.html> (accessed August 13, 2019).

3. “Exonerations in the United States,” The National Registry of Exonerations, <http://www.law.umich.edu/special/exoneration/Pages/Exonerations-in-the-United-States-Map.aspx> (accessed August 9, 2019).

4. Cynthia J. Najdowski and Catherine L. Bonventre, “Deception in the interrogation room,” *Monitor on Psychology* 45, no. 5 (2014), <https://www.apa.org/monitor/2014/05/jn> (accessed August 13, 2019).

KEY TERMS & FACTS

Miranda rights: four Constitutional rights that a police officer must notify a person about before questioning begins. Wording of this notification varies from place to place, but all four rights must be included: (1) individuals have the right to remain silent; (2) anything an individual says can be used against them in court; (3) individuals have the right to have a lawyer present during questioning; (4) if an individual cannot afford a lawyer, one can be provided for them.⁵

In 1963, Ernesto Miranda confessed to a series of crimes during a police interrogation, but he was not aware that he had the right to have a lawyer present during the questioning. Miranda eventually appealed his case and three years later, the U.S. Supreme Court ruled that all suspects must be informed of the four rights listed above before any questioning begins.

parole: a procedure by which an inmate is released from prison but remains under supervision for a period of time.

There are many restrictions for people released from prison on parole. As a result, parolees are often reincarcerated for small violations, such as meeting with a friend who also has a criminal record or staying out past curfew.⁶

plea deal: an agreement between the prosecutor and defendant in which the defendant agrees to plead guilty to certain charges in exchange for a concession from the prosecutor, such as a shorter sentence.

97 percent of state and federal criminal cases in the United States never make it to trial; they are resolved through a plea deal.⁷ In the U.S., defendants often face more serious charges and longer sentences if they go to trial. For this reason, many opt to take the plea deal – even if they did not commit the crime.

prejudice: discriminatory attitude against a group of people.

prosecutor: a lawyer who conducts a case against a defendant.

Prosecutors have a lot of power in determining how to handle cases. For example, they play an important part in charging defendants with specific crimes and determining bail. Prosecutors are also responsible for creating plea deals – including what charges defendants will plead guilty to and how long they will be incarcerated.

race: a concept that categorizes individuals based on the color of their skin.

Since the 1800s, many people have argued that there are biological differences between white people and people of color; however, there are no genes that are common to all people of a certain racial category. Race does not exist as biological differences, but the effects of racism are very real. Race was created by human beings as a means of falsely categorizing people and placing them into a hierarchy.

solitary confinement: a type of imprisonment in which a prisoner is isolated from the rest of the prison population, usually spending 22 to 24 hours per day alone inside of a small cell.

In addition to physical isolation, individuals in solitary confinement often face other difficulties, including infrequent phone calls and visits, lack of access to educational and other programming, and mistreatment by correctional officers.

5. Stephanie Morrow, “Know Your Rights: What Are Miranda Rights?” LegalZoom, <https://www.legalzoom.com/articles/know-your-rights-what-are-miranda-rights> (accessed August 13, 2019).

6. Times Editorial Board, “Probation and parole are supposed to be alternatives to incarceration, not engines for it,” The LA Times, <https://www.latimes.com/opinion/editorials/la-ed-parole-violations-recidivism-20190622-story.html> (accessed August 13, 2019).

7. “Report: Guilty Pleas on the Rise, Criminal Trials on the Decline,” The Innocence Project, <https://www.innocenceproject.org/guilty-pleas-on-the-rise-criminal-trials-on-the-decline/> (accessed August 9, 2019).