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BRYAN STEVENSON INTERVIEW
TRUE JUSTICE: BRYAN STEVENSON'S FIGHT FOR EQUALITY
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BRYAN STEVENSON
Executive Director, Equal Justice Initiative
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Interviewed by Trey Ellis & Peter Kunhardt

START TC: 01:00:00:00

Bryan's journey and the evolution of his vision to encompass legal and racial justice narrative work

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BRYAN STEVENSON:

For most my career I've provided legal representation to people on death row, and I'm a product of Brown v. Board of Education. I grew up in a community where Black children couldn't go to the public schools. I started my education in a colored school. And I remember when lawyers came into the community to open up the public schools, so little black kids like me could get a high school degree. My dad couldn't go to high school in our county, and I didn't think about it then, but later it hit me that there's something powerful about the rule of law. There was never a time when you could've persuaded the majority of people in that community to end segregation through a vote. But because the courts ordered an end to

segregation, things changed. I got to go to high school. I got to go to college. I got to go to law school. When I was in law school, I was persuaded that there is a way to provide liberation, protection, freedom for people if we push the rule of law. If we push the right to folks. That's what led me to begin this project here in Montgomery where we represent people on death row.

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So, understanding the power of law from a personal experience, made me appreciate what we might be able to do to help people in a place like Alabama where there was no public defender system, where poor people were often wrongly convicted and unfairly sentenced in our criminal justice system. I was persuaded and still am that the criminal justice system revealed the problems of our history of bias against the poor and people of color unlike few systems did. And so we started this project to meet the legal needs of condemned prisoners, and we've had some success. We've won relief for a lot of people. We challenged the way our system functions, its hostility to poor people. That we have a system that treats you better if you're rich and guilty than if you're poor and innocent was a problem that I saw very clearly. That there was a presumption of guilt that got assigned to a people of color that burdened them, that made it harder for them to get fair treatment, was something I saw very clearly.

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And so we fought against that and we worked on that. We had success, and we've gotten a lot of people relief, and we won a lot of cases, and we continued to do that work, but it became clear to me that our courts were constrained by a comfort level with bias and discrimination that made them less responsive than I thought they should be. We still had majority black

counties in this community where no person of color had ever served on a capital trial jury, and we presented evidence of that bias and discrimination. It just became clearer to me that our courts weren't as disturbed by it as they needed to be. And we saw that in the death penalty, racial bias was a huge issue.

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And in 1987, in a remarkable decision, *McCleskey v. Kemp*, The United States Supreme Court accepted this evidence of bias. They said, "You know, we're going to accept your data that shows these profound differences based on race, determining who get the death penalty." And accepting those data, the Supreme Court nonetheless upheld Georgia's death penalty for two reasons. The first thing the court said was, "If we deal with racial disparities in the administration of the death penalty, it's gonna be just a matter of time before lawyers are gonna be complaining about similar racial disparities for other kinds of criminal offenses. They'll point these disparities exist for drug crimes, and property crimes, and sex crimes, and other felonies or even misdemeanors." It was this notion that the problem was too big, that led the court to conclude that we can't do anything about this. Justice Brennan, in his dissent, ridiculed the court's analysis as quote, "A fear of too much justice," and he was right. But it was the second thing that the court said that really got to me. The second thing the court said was, 'A certain quantum of discrimination, a certain amount of bias, racial bias, is in the court's opinion inevitable.' And they used that word to characterize this problem as a defense for why it couldn't do anything about it.

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And as a young lawyer working on that case, that was a real crisis. As a product of *Brown v. Board of Education*, the court could've said in the 1950s that Black kids can't go to school with white kids—there'll be too much conflict, there'll be too much tension. White families will resist and Black families won't be able to succeed, and this idea that racial segregation in education could've been declared inevitable. But what the court said in *Brown* is that racial segregation in education is unconstitutional, and its unconstitutionality made it not inevitable. And that judgment allowed me to go to high school, and college, and get a law degree, and I wanted to use that law degree to help people who were being victimized by bias and discrimination. And then I was being told by the Supreme Court that that bias is inevitable.

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The court has on the building, “Equal Justice Under Law.” I've argued a bunch of cases before the United States Supreme Court, and each time I go I stand there in front of the court, I read what it says about equal justice under law. I have to believe that to make sense out of what I do. Even though the ruling came down in 1987, I just thought that there would be some response, that that would get fixed, and so I carried on. I continued working here, and for the next 20 years we tried to protect people who were wrongfully convicted, unfairly sentenced, abused, mistreated in the courts. Again, we've had some success, but it became clear to me that we weren't going to achieve the things that we needed to achieve until we made it unacceptable for the United States Supreme Court to declare racial bias in the administration of the death penalty inevitable. In thinking about what it would take to move this court, and this country, to a place of greater resolve when it comes to eliminating

bias and discrimination. It became clear that we haven't really talked much about the legacy of racial bias. We don't really understand it. We haven't really dealt with it the way we need to deal with it, and that's what gave rise to a new project here at EJI that's about changing the narrative. We decided that we needed to talk about things that have taken place in this country that we haven't talked about before— things like slavery, and lynching, and genocide, and segregation. It was that instinct that opened the door to many of the projects that we've now been working on for close to a decade.

Proximity

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BRYAN STEVENSON:

My grandmother was an expert in fostering reflection. She was brilliant in that way, and because she was the daughter of enslaved people, she understood the power of narrative. Her father would talk to her every day about what he went through as an enslaved person, and she had these various strategies and tactics for getting me to understand things, to know things. When I was little boy, my grandmother would come up to me, and she'd give me these hugs and she'd squeeze me so tightly I thought she was trying to hurt me. And my grandmother would see me an hour later and she'd say, "Bryan, do you still feel me hugging you?" And if I said no, she would jump on me again. By the time I was 10, my grandmother had taught me, every time I would see her the first thing I would say is, "Mama, I always feel you hugging me." And she wanted me to understand what proximity can mean, how it can empower you, and I didn't fully get it until I was much

older. She lived until she was in her 90s. She worked as domestic her whole life. She fell on a bus one day, she broke her hip, she got cancer, and she was dying. I remember being with my grandmother before she died, and just pouring my heart out, saying all these things. I was so sad, and I got up to leave, I didn't even think she was awake, and I had my hand in her hand. But before I left she squeezed my hand, and she looked at me and she said, "Do you still feel me hugging you? I'm always gonna be hugging you." There is something powerful in that. Cause there are times when, I'll be honest, I feel that embrace. It just, for me, affirmed, what we can do for one another sometimes by simply holding on to one another. She was powerful in her ability to craft a narrative, something that sticks with you.

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BRYAN STEVENSON:

I took a course that was taught by Betsy Bartholet at Harvard Law School. She did something quite unique, she allowed students to go spend a month with a human rights organization. And I went to Atlanta, Georgia and spent a month with the Southern Prisoners Defense Committee, which is what it was called at that time, which was led by Steve Bright, he had just started a year earlier as their director. Being in an environment like the Southern Prisoners Defense Committee, was just really exciting. There were a community of lawyers that were working hard. I was finally seeing people do the kinds of things that I could imagine trying to do. That first week or 10 days was just really exciting. It was hard work but it was energizing to be in that kind of community. And then one of the lawyers said, "We need you do go to death row and we need you to meet someone we haven't had time to meet." I said,

"Of course," and I got in my car and I started driving down to death row and that was the moment when it was no longer exciting, it was no longer energizing, it was just terrifying because I realized how little I knew, how poorly I had been prepared to go into a prison and actually provide aide to someone on death row. And I started obsessing on the fact that I didn't know much about the death penalty, I didn't know much about appellate procedure. I was fearful that when this man met me and discovered that I was just a law student, he would be so disappointed. So I tried to rehearse exactly what I was going to say to him when I got there. I drove to Jackson, Georgia, the Georgia Diagnostic and Classification Center where death row is in Georgia. Parked my car, I walked through this long tunnel which was very dark and intimidating, the guards weren't very nice. I didn't have a Georgia license at that time so they were questioning me, and they finally took me back to the visitation room and I was terrified. I had never met a death row prisoner before. Never been in a state prison like that before. I was there by myself and I was just really, really afraid.

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And then finally, when they opened the door and this condemned man walked in, what I remember about him is how burdened with chains he was. He had handcuffs on his wrists, he had a chain around his waist, he had shackles on his ankles, and it took them ten minutes to unchain him. And the whole time they were unchaining him, I was just getting more and more anxious. Finally, he walked over and when I walked up to him, I forgot all the things I rehearsed to say and I just started apologizing. I said, "I'm so sorry," I said, "I'm just a law student. I don't know anything about the death penalty, I

don't know much about appellate procedure." And then I said, "But they sent me down here to tell you that you're not at risk of execution anytime in the next year." As soon as I said that, the man said, "Wait, wait, say that again." I said, "You're not at risk of execution anytime in the next year." And he said, "Wait, say that again." And then I said, "You're not at risk of execution anytime in the next year." And that's when this man grabbed my hands and said, "Thank you, thank you, thank you." He said that you're the first person I've met in the two years I've been on death row who's not a death row guard or death row prisoner.

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He said now because of you I'm going to see my wife and kids, I've been calling my wife and kids and talking to them, but I haven't let them come and visit because I was afraid they'd show up and I'd have an execution date. He said, now I'm going to call them and I'm going to see them because of you. He said, thank you, thank you, thank you. And I couldn't believe how even in my ignorance, being proximate, being present, could have on the impact of someone's life—and it really surprised me that I was helpful. And we started talking and it turned out that we had exactly the same birthdate. And we started talking and we got lost in conversation and he was asking me questions about my life, I was asking him questions about his life. I'd only scheduled to be there an hour but an hour went by, two hours went by, three hours went by and we were still talking. The guards were waiting outside for me to finish the visit and they were getting angry because I was staying so long, and after three hours they couldn't take it any longer.

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They came bursting into the room and they threw this man against the wall. They pulled his arms back, they put the handcuffs back on his wrists. They were treating him so roughly, that even as a law student, I said, "Please, please, it's not his fault, it's my fault, he didn't do anything wrong. Please be gentler." But they ignored me. They wrapped the chain around his waist. This condemned man looked at me and said, "Bryan, don't worry about this, you just come back." And then they put the shackles on his ankles and they were pushing him toward the door so roughly he almost fell down. And I felt awful that I was the cause of this man being treated so badly and I was looking in horror at the way they were pushing him. And they got him near the door, and I remember him when they got near the door, planting his feet. And the next time when they shoved him, he didn't move. And what I remember is this man turning to me and saying, "Bryan, don't worry about this you just come back." And then he did this thing that I've never forgotten, I stood there and I watched him close his eyes, then he threw his head back, and then he started to sing. He started singing this hymn I used to hear all the time, he started singing, "I'm pressing on the upward way, new heights I'm gaining every day, still praying as I'm onward bound" And then he said, "Lord plant my feet on higher ground." And the guards stopped, everybody stopped. And then they recovered and they started pushing him down the hallway and you could hear the chains clanging, but you could also hear this man singing about higher ground. And when I heard that man sing, everything changed for me. That's the moment when I realized I wanted to help condemned people get to higher ground. But it's also the moment I realized that my journey to higher ground was tied to his journey. I realized that if he doesn't get there, I can't get there. And it created this consciousness about lawyering

and law practice that was radicalizing for me. I went back to Harvard Law School and you couldn't get me out of the law school library. I needed to know everything about federalism and comedy and procedure. I needed to understand the doctrine necessary to help condemned people get to higher ground. So it was going to death row that turned me into a law student who was deeply committed to mastering the law that made me want to read everything, that made me want to understand everything. And in that respect, it was a transformative moment.

Evolution of Slavery and Narrative of Racial Difference

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BRYAN STEVENSON:

We are haunted in America by our history of racial inequality. I think it has actually compromised our health—our physic health, our political health, our social health, our economic health. It's all been compromised by this history, and the damage that this history has done. I think there's a kind of smog in the air that's created by the history of slavery, and lynching, and segregation. I don't think we're going to get healthy. I don't think we can even be free until we address this problem. It doesn't matter how well intentioned you are. It doesn't matter how educated you are. It doesn't matter how committed you are, you will have conflicts. There'll be tension, there'll be distrust when issues of race emerge. We're not gonna get past that if we don't begin to deal more honestly with this legacy. So this project is about telling the truth about our history of racial inequality. That means talking about things that we haven't talked about. For me, it actually begins with the fact that we're a post

genocide society. I really do believe that. I think what happened to native people on this continent was a genocide. You have millions of native people on these lands for centuries before white settler got here. When white settlers came, they said to the native people, 'You have to leave.' And we forced these communities from land, through war, and violence, and by starving people, and through sickness and illness, and we destroyed that population, and millions of native people died, and it was a genocide. We didn't call it a genocide because we said, 'No, these native people are different. They're a different race.' And we use this narrative of racial difference to justify the abuse, the exploitation, the destruction of these communities. And that narrative of racial difference created a country that from its very beginning was comfortable with pushing some people aside if we could create a narrative of racial difference about those people.

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And I think there are things you have to do when you are a post-genocide society that we haven't done in this country that makes us vulnerable to replicating that dynamic. We kept the names of native communities. Half the states in this country are native words. But we made the people leave, and that narrative of racial difference is what then made slavery in America so problematic. There was slavery all over the world, and there's a long history of slavery, and people are quick to tell you, 'Oh, lots of people had been enslaved.' But in most societies, they were societies with slaves, people would be enslaved for a period of time. It wasn't typically hereditary. It wasn't something that was racialized. You could have an evolution in that horrific practice, but in America, we weren't a society with slaves. We

became a slave society. We actually made slavery a component about how we thought each person. We made it racial. It became hereditary. It became permanent.

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And that narrative of racial difference made slavery in America unique. What that meant is that we did some really destructive things that made the experience of enslaved people in this country traumatizing, overwhelming. It created a legacy that we haven't talked about. And that's why it became necessary for us to start talking about the domestic slave trade and what it means. And it's worth thinking about the evolution of slavery. So we had a century, in the 17th Century, where Black people first people come to this country, where initially they were treated like indentured servants. They were treated like other people who were going to pay off debts through servitude. But it didn't take long before these differences were drawn, because we were in a post-genocide society where that narrative difference had already been cultivated with our mistreatment of native people.

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And so by the 18th Century, you begin to see a different kind of slavery for Black people, and it becomes racialized. These ideas start to emerge that Black people aren't fully human, they're not like other people. By the time we get into the 19th Century, even though there's an abolitionist movement saying, 'You know, this thing about owning people seems very problematic to us.' This ideology of white supremacy, this narrative of racial difference has been absorbed by virtually every institution, every aspect of our society. And so even in the beginning of the 19th Century, when we end the Trans-Atlantic Slave Trade, the horrific practice of bringing enslaved people by boat across

the Atlantic—twelve million people kidnapped, put on boats, brutalized during that torturous journey where at least two million people died. Even when that practice is formally ended by Congress in 1808, we are still committed to slavery, and slavery moves South. And the domestic slave trade, which we focus on a lot in this region, added a new chapter to what slavery could do, would do, to people in this country. I think that it's during that time period that this legacy of slavery became particularly perverse.

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It's during the domestic slave trade when we move a million enslaved people from the upper South and North to the Deep South, that we begin to take away from enslaved people the only thing they had to affirm their humanity, which is their love for one another—their children, their spouses, their siblings, the family units that were created in the North—all that got disrupted by the domestic slave trade. Nearly half of all enslaved people were sold from siblings, and children, and loved ones during the domestic slave trade. The process of being sold South was also torturous. People were forced by land to walk a thousand miles, in chains. It's during the domestic slave trade that you see the tools of bondage come out—the shackles, the neck collars, the hand cuffs, the coffles where 20 people would be chained together—and the introduction of slave traders, this commercial enterprise of moving enslaved people from the North to South. All of these things did some really horrific things to make the experience of enslavement even more barbaric, even more brutal, even more painful than it had been until that time.

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And so it's during the domestic slave trade that you see the emergence of a new kind of cruelty. Forcing someone to walk over land. Packing people into boats. Literally, selling them down the river to these new spaces. Packing them into rail cars where they can be shipped and traded more efficiently at greater profit. All of that basically formed this region. States like Alabama didn't become states until after the trans-Atlantic Slave Trade had ended. Alabama became a state in 1820. We didn't own Louisiana until 1803. Florida, Mississippi, Arkansas, Tennessee, these were all relatively new states that didn't become states until the 19th Century and they became states primarily for the commercial exploitation of enslaved Black people for profit. Cotton prices were booming, a new economy was emerging, and the fertile lands that were plentiful in this region became an opportunity for economic development for this young nation. Once again, we had to move more native people. The Trail of Tears and the abuse of Creek Indians in this region, and other tribes, takes place. So that continuing genocide is facilitating this new space for slavery. And it's the domestic slave trade that became of great interest to me, because it's how we ended up with such a large slave population in the American South. That's why by the end of the 19th Century, in the beginning of the 20th Century, almost 90% of the Black population lived in this region. And that horrific transfer of people into this region, where cruelty would become the norm, where barbarity would become the norm, set the stage for a new kind of slavery in this country that we haven't fully come to grips with.

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BRYAN STEVENSON:

Because we didn't deal with this problem of white supremacy, this narrative of racial difference, we pass the 13th Amendment that ends involuntary servitude, it ends forced labor, but it doesn't end the narrative of racial difference. It doesn't end white supremacy. It doesn't end racial hierarchy. And because of that slavery doesn't end in 1865, it just evolves. It turns into this new thing where formally enslaved people are still oppressed, still marginalized, still abused, still disrupted from enjoying the freedoms they were supposed to get. And you see that play out in the 1870s when 150 Black people are murdered by a white mob in Colfax, Louisiana because of protesting their inability to be politically represented. Congress says, 'We can't allow that kind of violence. We're gonna have our federal prosecutors prosecute those people for that violence,' and white people are convicted. The United States Supreme Court says, 'No, you can't do that. We're not going to allow the federal government to get in the way of what localities want to do to create the racial hierarchy that they believe in.' And in multiple ways, the United States Supreme Court blocks Congress from doing anything to deal with racial inequality.

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And by the 1870s, the people in Congress give up. You have people in the North saying, 'It's not worth fighting over racial equality. Let's just all embrace it.' And by the end of the 1870s and the 1880s, we give up on the idea that we can reconstruct. That we can create a new America where formally enslaved Black people have the same opportunities as white people. We abandoned that. Reconstruction collapses, and we begin an era where white supremacy, racial subordination, racial hierarchy is going to be enforced in a new way, and that new way is going to be terror, violence,

lynching. And In many ways, you can say that the North won the Civil War, but the South won the narrative war.

Racial Terror Lynching

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BRYAN STEVENSON:

Black people were lynched, not just for some accusation of murder or rape, they were often lynched because of some social transgressions. Not saying sir to a white person could get you lynched. Walking past a white person's home while somebody was taking a bath could get you lynched. Going to the front door rather than the back door could get you lynched—scolding someone. Elizabeth Lawrence was an African-American woman, she was walking home in Birmingham, Alabama, a group of young white kids started throwing rocks at her. And she did what any adult would do with children when they're not acting appropriately. She said to those kids, "Don't throw rocks at people. Don't do that." She scolded them, and those children went home and told their parents that a Black woman had scolded them. And that was such a violation of the social order that that white community organized, went to Elizabeth Lawrence's home, and they lynched her, and then they burned her home down. And when her son tried to complain, they ran him out of town. Threats to the social order, to the political order, to the racial order, were often the basis of a lot of this violence. It was terrorism in the most complete sense. These acts of violence were intended to terrorize people into not challenging, not resisting, not complaining, not confronting this hierarchy, this bigotry, this oppression that was defined and shaped entirely by race.

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BRYAN STEVENSON:

Anthony Crawford in Abbeville, South Carolina came out of enslavement with knowledge about how to grow seed, and to have a prosperous crop on a lot of land. They owned this land, and he became prominent in that community. And because he was smarter about developing seed than a lot of other farmers, he was in high demand. And when a white person came to him and said, "I want your seed, but because you're Black and I'm white, you have to sell it to me cheaper than what you would sell it to somebody else." He said, "No." And he said, "I'd rather throw my seed in the river than be cheated like that," and for saying that, the mob was organized, they came to his home, they pulled him out of his home and they shot him, they beat him, they hung him, and then they dragged his body. And he became a symbol of this kind of violent resistance to equality, violent resistance to Black progress—and everybody was complicit. It wasn't a secret. It wasn't something that some people did. It wasn't something that the Klan did, right. The people who perpetrated these lynchings weren't people wearing white hoods. There was no need to wear a hood. You could actually go unaltered. You could pose with the victim's body after the lynching took place. You could actually carve their body up, and collect souvenirs. This was actually a point of pride. And to understand the consciousness that would give rise to that, you have to understand how the courts had created this idea that these Black people are not people. They're not fully humans. Their bodies aren't like your bodies. And that destruction, and that abuse, and that exploitation for women, for

children, for men became a defining feature of what it meant to be Black. It's a moment of horrific struggle.

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Some lynchings would be accomplished when thousands of people would gather to participate in these lynchings. Parents would bring their young children to watch the man be burned to death, to watch the man be brutalized, to watch the man be tortured, to watch the woman be slaughtered. Ten thousand people gathered in Paris, Texas in the 1890s for the lynching of Henry Smith. Thousands, hundreds gathered in spaces. 2,000 gathered when Claude Neal was lynched in Marianna, Florida. These infamous lynchings where hundreds or thousands of people gathered, I think represent a particular need for communities to say more, to do more, to memorialize these spots, to commit to protecting themselves from that legacy perpetuating racial bias for another generation.

Resistance to Integration

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BRYAN STEVENSON:

And I worry because when I hear people talking about the Civil Rights Movement these days, it's starting to sound like a three-day carnival, which is too celebratory. I hear people talking about the Civil Rights Movement, and it does, it sounds like a three-day carnival. It sounds like, oh on Day One, Rosa Parks didn't give up her seat on a bus. On day two, Dr. King led a march on Washington. And on day three we changed all the laws and racism is over. And aren't we a great country because we did that? When in fact, that's not

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our history. For decades, we told black children, you can't go to school just because you're black. We said to black people, you can't vote because you're black. We humiliated people of color. Those signs that said, "White," and "Colored," they weren't directions, they were assaults, and it created injuries, and we haven't treated those injuries. If we have a consciousness that we did something great, and wonderful, and effective, then we're not going to actually deal with the legacy that still contaminates our society, that still infects the atmosphere and the environment. In that sense, I think we need to be more explicit about the ways in which organizations, faith communities, institutions, government, conspired and spent money, and committed themselves to resisting integration, to blocking integration, to fighting against racial inequality. Because if you understand that then you have to look at what we're now doing by creating voter ID laws differently. You have to look at what we're now doing by creating private academies that are largely all white, the places for education differently.

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We've got academies all throughout this state, every county you go to, there's something called "The Academy" with that county's name a lot of them will proudly have emblems out front saying, "Founded in 1955," "Founded in 1956," and there's no shame about that founding because there's no association with that as an effort to resist, to reject racial integration created by Brown v. Board of Education. That understanding, to me, seems to be critical to our ability to appreciate where we are. And I think that that is at the heart of what we're trying to do with our museum, with our work.

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BRYAN STEVENSON:

I think one of the things that we don't appreciate is how this effort at making sort of white supremacy and narratives of racial difference national narratives, it spread. It wasn't just in the American South. By the time we get to the end of the 19th Century, everybody's embracing this. So, New York is passing laws that do the same things that states like Alabama do. Everybody was passing laws that say, 'Oh, let's have racial integrity. No interracial marriages.' The state of Idaho passed a ban on interracial marriage between white people and Black people, even though the state of Idaho was 99.8% white. You couldn't find a Black person in Idaho, but this legislature still wanted to ban interracial marriage. It did something to create an identity for people in this country to express their superiority to people who were Black, and that was everywhere.

Significance of Montgomery

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BRYAN STEVENSON:

One of the things that you discover when you start looking at the legacy of lynching, and violence, and terrorism, you have a new appreciation for the courage of those African-American women and men who stood up to fight. You know, Claudette Colvin, that 15-year-old who says, "No, I'm not gonna get out of my seat off this bus." Rosa Parks, Jo Ann Robinson, Fred Gray, who basically said, "I'm gonna grow up, and become a lawyer, and challenge everything segregated I can find." You have a new appreciation for their

courage when you understand the history of violence that threatened and menaced so many before that era. And in that respect, I do think that Montgomery became a place that had something to say to the rest of the world. And if we were at the heart of the slave trade, and we were at the heart of the era of terrorism and lynching, we were at the heart, even the birthplace of the modern civil rights movement, maybe we can be central to a moment of change, of challenge, to the current era of mass incarceration. We're certainly in one of the states with the highest rates of incarceration in the world. And, the connection of those eras coming together, for me, became increasingly important. So when people say, "Well, why are you putting this national memorial in Montgomery? You should put it in Washington," it was very easy for me to say, "No, it belongs in Montgomery." If we're gonna talk about the legacy of slavery, then let's be in a place where the legacy of slavery is palpable, where it's authentic. And now I feel like it's a really special place.

Community Remembrance

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BRYAN STEVENSON:

And when you go to the place where that cruelty took place, and you deal with the silence by saying something, things change. And we learned that, and we wanted to make that an experience we could share with lots of people. So we started having these community events where we decided to ask people to go to a lynching site, and to collect soil from the lynching site, and put it in a jar. The jar would have the name of the lynching victim on it. It would have the date and location of the lynching. And we would just make

tangible, we would make visible this history of terror and suffering. We would resurrect the lives of these people who had been forgotten, who were never honored, who were never protected. And I didn't understand the power of doing it until we started doing it.

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And there was something about digging into the soil, putting the soil in a jar, filling up this memory with something that was tangible that you could see, and we would ask people to give reflections. For me, it's been one of the most inspiring, energizing, empowering things we've done in this area, because people go out to these sites and they come back and they tell stories about what it was like. When I see the jars, it tells its own story. There's a variation in color that tells you the different parts of the state—down on the gulf coast where it's sandy and light, down in the Black Belt where it's really dark and rich, in the Northern part where the clay is red. There's this kind of geographic story, but there's also a story about our history in that soil. Because when we bring these jars of soil into a space like this, and we put them on display, we're not just showing people the places, what we're doing is we're showing people the history because there are tears, there's sweat, in that soil—the sweat of enslaved people. There are the tears of people who suffered when they were being brutalized and lynched. There's the blood of these victims. There's the agony of people who had to endure segregation. I think the tears, and the sweat, and the blood are in that soil. But there's also hope in that soil. You can plant something that will grow. We can create something new that can create a new future. I think that's the power of it, and that's the appeal of it. So we're still inviting people to participate. We're still

saying, join us, go to a site. Do something concrete, and tangible, and meaningful. And I've been really inspired by what that's been.

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BRYAN STEVENSON:

And so we have a commitment to put up markers at every lynching site in America so that you don't walk past a courthouse, you don't walk past a store, or building, or school, where some horrific act of terrorism took place and not be mindful of that. We believe in monuments and memorials. We have a 9/11 memorial less than fifteen years after 9/11, and I think that's appropriate, but it says something about our failure to memorialize the horrific terrorism that shaped generations of people in this country, that continue to have a legacy in the demographic redistribution of people of color. And so that's become a real priority—to mark the spaces, to tell the stories. And not only do we want those things to be accessible to anybody who goes there, we want them to have meaning. We want the narrative to be accurate, but to be clear, to be direct. We don't want to make it seem like it wasn't a big deal or that everything got better after that, because it didn't. That's the genesis behind this effort that we're now engaged in to build a museum and to build a memorial.

We are all more than the worst thing we've ever done

01:41:12:11

BRYAN STEVENSON:

We are a slave state, but we're more than slavers. We are a lynching state, but we're more than lynchers. We're a segregation state, but that's not all we are. The other things we are create an opportunity to do some things that are restorative, that are rehabilitative, that are redemptive, that create possibilities of reconciliation and repair. And that's true for us collectively, and it's true for individuals individually. That's why I say that each of us is more than the worst thing we've ever done. I really believe that. I believe if someone tells a lie, they're not just a liar. I think if someone takes something that doesn't belong to them, they're not just a thief. I think even if you kill someone, you're not just a killer, and justice requires that we know the other things you are.

Believing in what you haven't seen

01:42:02:14

BRYAN STEVENSON:

My grandmother died when I was in college, it was before I made any decision to go to law school. But she was always saying you can do anything, and she said it as if that was something special and unique about you. I just think that consciousness is necessary when you're trying to do things that you haven't seen people do before. Like I said, I never met a lawyer before. I

certainly never met a black lawyer before so I had to believe I could be one even though I had never seen one. And believing things you haven't seen becomes sort of addictive—it becomes a way of life. We had to believe we could create an institution that could help condemned prisoners in a state that was very hostile to condemned prisoners. We had to believe we could make a difference in the lives of children being sentenced to die in prison, even though there wasn't clear doctrine to support that. We had to believe we could create a national memorial that honors thousands of victims of lynching even though there wasn't really precedent for that. I think if my grandmother gave me anything, she gave me the confidence to believe things I haven't seen, because she would talk about that all the time. She said her father never doubted that he would be free one day, never doubted it, even though he couldn't have anticipated what was going to happen at the end of the Civil War. She was somebody who never doubted that she would have an amazing family. She would say, "I have an amazing family. I've always known I was going to have an amazing family." I do think that consciousness is really important if you're trying to do things that are difficult.

Truth and Reconciliation

01:43:43:23

BRYAN STEVENSON:

Well, I think reconciliation is a consequence of truth. You can't think about it separate from the truth. That's why I say truth and reconciliation is sequential. And it's not just reconciliation, it's truth ought to create a

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consciousness that says, oh, we need to repent, we need to recognize the harm we've done, the damage we've done. We need redemption, we need to repair these mistakes. There are all of these R words, you know— redemption, restoration, reparation, recognition, reconciliation—that are part of what happens when you allow yourself to confront the truth, and you respond to it. And I think reconciliation is at the end of those R words. The recognition that first comes, that turns into repair, reparation, that turns into redemption, that turns into reconciliation. It's a process, but it's an important process, and it's a powerful process that can bond a community and a society, that can form the kind of strength in community that allows us to deal with complexity and challenge and hard times. And I just think it's waiting for us, but we can't get there if we don't commit to the truth telling, because it only happens when we tell the truth in a meaningful way. And that's why the priority is the truth telling, and then the consequence of that, is all those beautiful R words that come after.

01:45:24:08

BRYAN STEVENSON

You know, if I bump into someone and knock them down, and they're injured, I'm going to be disrupted by that. I want to make sure they know that I didn't intend to hurt them. I'm going to apologize. It will be important to me that they know and understand that I did not intend to hurt them, and I want them to do well. I want to do what I can to help them, not only because I want to make them whole, but because I want to be whole. I don't want to be burdened by something I did to another person that has caused them pain and agony. I want there to be repair in this country, not just for communities

of color that have been victimized by bigotry and discrimination, but I want it to be for all of us.

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When you offend another person, when you do something you shouldn't do, your peace quotient, your wholeness is also dependent on your commitment to repair. That's where I feel like we haven't learned, collectively, to apologize, and I think there's something in apology that is powerful. You know, we're a country that takes great pride in our greatness. We have a lot of strategies, and tactics, and habits that go with achievement and victory. We do the Olympics well. We do military success well. We do accomplishment well. But we don't do mistake very well. We don't own up to our mistakes very well. We've got a political culture where our politicians think that if they say, "I'm sorry," that makes them look weak. I actually think being willing to say, "I'm sorry," when you've made a mistake is how you become strong. You show me two people who've been in love for 50 years, I'll show you two people who've learned how to apologize to one another, to navigate the hardships, the complexities, to show humility when they offend. And if you're unwilling to do that, you don't recover. Sometimes couples misperceive things and they hurt one another. It's your capacity to show remorse, to want to repair the hurt you've created, the damage you've done, that saves the relationship. And I don't think we've done much thinking about that in this country.

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I mean, the kind of work that I think we need to do in this country, the truth work that I think will be followed by recovery, and restoration, and rehabilitation, and reconciliation, that truth work won't be achievable if

we're not motivated, if we're not pushed. We're different than the other countries that have done effective truth and reconciliation work. In South Africa, there's a consciousness about apartheid that you don't see in this country, and people are really clear. They had a formal truth of reconciliation process. The apartheid museum in Johannesburg is a narrative museum. It insists that you understand the damage done by apartheid.

And you'll go there and you'll see, even in the constitutional court, all these emblems that are designed to make you never forget apartheid. But in South Africa, a Black majority took power. The people who had been victimized by apartheid had the capacity, had the authority to begin to shape the narrative. If you go to Rwanda, you'll see a country where there is truth and reconciliation. The genocide museum there, there are human skulls in the space because people want to express their grief so powerfully, so clearly, that they're comfortable with that. In that place, you can't spend time in Rwanda without someone talking to you about the genocide. They want every person who visits to understand what happened there. And that truth dominates, but the ethnic group that was terrorized and targeted is now kind of allied with the people in power, and so there was this transition in power.

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When I go to Berlin, Germany, I'm struck by the evidence of a commitment to truth and reconciliation. You can't go 100 meters in Berlin without seeing markers and stones that have been placed next to the homes of Jewish families that were abducted during the Holocaust. The Holocaust memorial sits in the middle of Berlin, Germany. It's powerful. It speaks truth to power in very plain ways. But Germany lost the war. There was a transition in power. And even though it is Germans that are leading this effort, it comes

from a point of humility. The challenge we face in this country is that there hasn't been a change in power. It's the children, and the grandchildren, and the great-grandchildren of people who owned slaves, people who participated in lynchings, people who were comfortable with segregation that still have enormous influence over what happens, who gets heard, who doesn't get heard. If we're going to change things. If we're going to actually commit to truth and reconciliation, we have to be motivated by something. I think there are things we can hear in these spaces that can motivate us.

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I think there are things that we can feel. I do often sometimes believe that we are watched by those who were enslaved, those who were lynched, those who were segregated, and they want to see if we're willing to bear witness to their suffering, and trauma, and injury. If we're willing to give voice to what needs to be said about what a just society requires. We have a lot of rhetoric in this country about equality, and fairness, and liberty, and we're very proud. But we should also be ashamed that we tolerated slavery for two centuries, to what we did to native people, that we looked the other way where thousands were being lynched, that we codified and allowed the law to be a tool of segregation and oppression. We should be ashamed of that. But we shouldn't fear that shame. You know, we got a faith tradition in America where we said to people, if you repent, if you confess, if you acknowledge what you've done wrong, there's something beautiful waiting for you on the other side—there is redemption, there's restoration, there's restoration.

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And in every faith tradition, we hold that motto out, but we just haven't done it collectively with regard to this history. So I think it's time for us to do it. I'm

really not interested in talking about this history because I want to punish America; I really want to talk about it because I want to liberate us. I think there's something better waiting for us in this country than another century of conflict, and tension, and burden, and exclusion because we won't face the history and the legacy of our past. There's something better waiting for us, but to get there we're gonna have to be willing to tell the truth. And for me, that means being able to hear the things that I haven't heard before, that I haven't paid attention to before, to hear the sounds of suffering that our legacy creates.

Brokenness

01:52:08:07

BRYAN STEVENSON:

If you're alive and you're trying to make a difference in the world, if you're trying to care about other people, if you believe in justice, if you believe in hope, if you don't want to give into hate, then you can't live in a society like ours without conflict and moments of tension that ultimately break you. But if you believe, as I believe, that there is a process beyond that breaking that can lead to something more human and stronger, then you keep fighting, you keep searching, you keep struggling. And I don't think there are many people who haven't felt loss, who haven't felt heartbreak, who haven't felt injury, who haven't felt pain and exclusion and discomfort. And it's in that space that I think your consciousness of brokenness begins to grow and evolve and speak to you about what it means to be whole and human.

What Can You Do?

01:53:08:12

BRYAN STEVENSON

In fact, I get frustrated when I hear people talk about, "Well, if I'd been living during the time of slavery, of course I would have been an abolitionist." And most people think if they had been living when mobs were gathering to lynch people on the courthouse lawn, they would have said something to complain about that. Everybody imagines that if they were in Alabama in the 1960s, they would have been marching with Dr. King. And the truth of it is, is I don't think you can claim that if today you are watching these systems be created that are incarcerating millions of people, throwing away the lives of millions of people, destroying communities, and you're doing nothing.