

ENGAGEMENT GUIDE

**TRUE**  
BRYAN STEVENSON'S FIGHT FOR EQUALITY  
**JUSTICE**

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# INTRODUCTION



Flag, announcing lynching, flown from the window of the NAACP headquarters, New York, New York, 1936 (Courtesy Library of Congress)



I believe we're all more than the worst thing we've ever done. 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, rehabilitative, that are redemptive, that create possibilities of reconciliation and repair.

— BRYAN STEVENSON

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# USING THIS GUIDE

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This Engagement Guide is developed as a tool for facilitators screening the HBO documentary *True Justice: Bryan Stevenson's Fight for Equality*. It includes suggestions for **event planning**, **discussion questions** for audience engagement, and **supplemental content** to inform individuals and organizations about the mission and work of the **Equal Justice Initiative (EJI)**.

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. 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.

— BRYAN STEVENSON



Segregated movie theater, Leland, Mississippi, 1939 (Courtesy Library of Congress)

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# ENGAGEMENT GOALS

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The guide is structured to help audiences answer Bryan Stevenson and the Equal Justice Initiative's call to engage with the hard truths of our past in order to move forward into a different and better future. The goal of this kind of film engagement is to enable groups to:

- **REFLECT ON AMERICA'S HISTORY OF RACIAL INEQUALITY**, and how this history has shaped our personal understandings of race.
- **IDENTIFY THE FALSE NARRATIVES FROM PREVIOUS HISTORICAL ERAS** that have legitimized or sustained unjust policies and practices.
- **USE THIS LEARNING TO EXPLORE** how this history can help reveal the false narratives — often unspoken — that shape our culture, policies, and communities today.
- **DEVELOP IDEAS FOR CONFRONTING THE HISTORY OF RACIAL INEQUALITY IN AMERICA** and take meaningful steps in the process of truth and reconciliation.

It is also important to connect your screening and conversation to the particular context of your community. Get creative and expansive in thinking about the scholars, policy makers, community-based organizations, faith communities and others in your community who are committed to engaging with the history of racial injustice, criminal justice reform, the death penalty, and other issues that emerged in the film. Doing so will encourage your audience to connect with *True Justice* and identify ways to support EJI's work and join the movement Bryan Stevenson describes.



Community members participate in a soil collection at the Equal Justice Initiative.

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# BACKGROUND INFORMATION

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“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.”

— BRYAN STEVENSON ”





A southern chain gang, 1898 (Courtesy Library of Congress)

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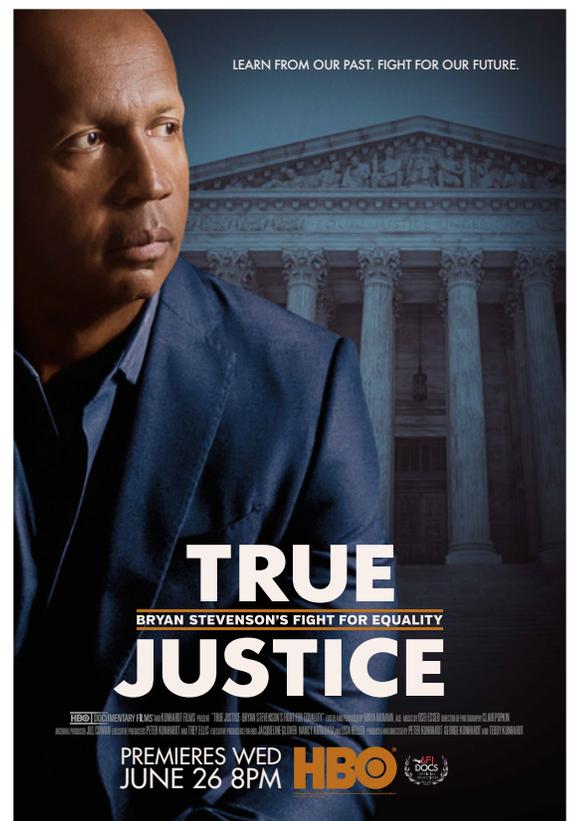
## FILM SUMMARY

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In the last half-century, America has become the nation with the highest rate of incarceration in the world, has authorized the execution of hundreds of condemned prisoners, and remains the only country with no minimum age of trying children as adults in the criminal justice system. Punitive practices disproportionately target and impact communities of color, where more than half of the people on death row in this country are people of color. EJI believes that our failure to honestly confront our history of racial and economic injustice means that we struggle to truly practice “equal justice for all.”

For more than three decades, Alabama public interest attorney Bryan Stevenson, Founder and Executive Director of the Equal Justice Initiative, has advocated on behalf of the disadvantaged, the incarcerated, and the condemned, seeking to eradicate racial discrimination in the criminal justice system. *True Justice: Bryan Stevenson's Fight for Equality* offers an intimate portrait of this remarkable man and is told primarily through his own words. The film chronicles Bryan Stevenson's struggle to create greater fairness in the system and to show how racial injustice emerged, evolved, and continues to threaten the country, and it challenges viewers to join him in creating a new and brighter future.

Six-time Emmy-winner Peter Kunhardt (HBO's Emmy-winning *Jim: The James Foley Story*) executive produces and directs; Emmy-winners Teddy Kunhardt and George Kunhardt produce and direct.



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# FILMMAKERS' STATEMENT

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In 2012, public interest lawyer Bryan Stevenson gave a TED Talk entitled, “We Need to Talk About an Injustice.” He spoke about identity—not just an identity of the self, but the identity of the collective. That the character of our society ultimately will not be judged by our technology and design, but by how we treat the poor, the marginalized, the disadvantaged, and where what we choose to pay attention to, to hear, and to care will shape our identity. This includes a world where handcuffs and black hands have become synonymous, and where the reality that one in three black male babies will end up incarcerated persists.

We had heard his talk, and in the wake of the 2016 presidential campaign, when Nixon’s Law and Order rhetoric echoed anew on a 24-hour cable news cycle and two terms of President Obama prompted a false discourse of “post-racial society,” this film was conceived. Our country was founded on a narrative of racial difference—a narrative that told people it’s okay to bind “them” in chains; to sell “them” down the river; to auction “them” off; to say “separate, but equal”; to lynch; to drag through the streets; to criminalize; to brutalize—because “those bodies” are different. In our initial conversation with Bryan, he spoke again about identity, asking the question: What does it mean when we have a sense of who we are, but this identity doesn’t comport with the reality of history?

Our hope is that *True Justice: Bryan Stevenson’s Fight for Equality* will help re-examine our history and promote conversation and engagement around the role of race in our past and present. While we were developing the project, Bryan and his team at the Equal Justice Initiative were in the process of creating the National Memorial for Peace and Justice, dedicated to the victims of

lynching, and the Legacy Museum, which traces our history of injustice from slavery through mass incarceration. These spaces push our country to engage in truth-telling, because without facing truth, we have no hope of reconciling.

While working on this film, we recognized that it too was part of the truth-telling process. In an era where many schools still teach that the Civil War was a fight over states’ rights and learning about race in the classroom can be a sensitive topic, we’re pushing for this film to be used as an educational resource in schools, faith communities, legal communities, prisons, jails, and nonprofits. After all, it was not until 2008 that the U.S. House of Representatives offered an official apology for slavery, and it took until 2018 to pass legislation that made lynching a federal crime.

There was a weight to telling this story. Bryan spoke to us about the importance of getting proximate to that which we’re uncomfortable with. He showed our team of filmmakers that it’s easy to ignore what goes on around us, but when you recognize that your humanity is dependent on the humanity of everyone, you can begin to move forward—and from there, complicity in our systems becomes something we can’t ignore. In one of our interviews, Bryan said, “I do believe that we change the world not with the ideas in our mind, but it’s when we allow the ideas in our mind to be fueled by the conviction in our heart. And when you work in that way, when you live in that way, your heart is necessarily involved in what you do everyday.” This film changed the way we, as filmmakers, understand our world. We strive to use the power of the medium to educate, to bear witness, to promote engagement, to seek more justice, and to generate a bit more empathy among one another.

***Peter, Teddy, and George Kunhardt***

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# THE EQUAL JUSTICE INITIATIVE

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The Equal Justice Initiative (EJI) is a private, non-profit organization founded in 1989 by Bryan Stevenson and located in Montgomery, Alabama. EJI provides legal services to poor people, incarcerated people, condemned people on death row, provides advice and recommendations to policy makers and advocates for criminal justice reform, and publishes reports, discussion guides and other educational materials to dismantle the narrative of racial difference in the United States.

## EJI'S APPROACH

**“We’re all more than the worst thing we’ve ever done.”  
—Bryan Stevenson**

EJI’s mission is to end mass incarceration and excessive punishment in the United States, to challenge racial and economic injustice, and to protect basic human rights for the most vulnerable people in American society. These commitments translate across each aspect of their work and throughout their relationships with clients and the community.

**“When you’re on death row, society is saying, ‘You’re beyond redemption. You’re beyond hope. Your life has no purpose and your life has no value.’ And that’s a hard thing for a human being to absorb. And you can talk about the legal issues and the factual issues and the moral issues of the death penalty, but that judgment, that you’re one of the few people whose life has no purpose or value, you’re beyond redemption, is a very heavy judgment to carry.**

**And I’ve always felt like what I want to do with my clients when I’m with them is to represent, really clearly, that I fundamentally reject that. I believe everyone’s life has purpose. No one is beyond redemption. No one is beyond hope. And sometimes that has to be expressed just in your physical presence, by taking the time to just be with someone in that space, so that they know their life has meaning and value.”  
—Bryan Stevenson**

## EJI'S EDUCATIONAL WORK: CHANGING THE NARRATIVE

**“Slavery didn’t end in 1865. It evolved.”  
—Bryan Stevenson**

Alongside their legal counsel work, EJI’s community education efforts focus on confronting the false narratives that sustain racial injustice and discrimination by engaging communities in truth telling and memorialization. EJI also works to educate communities about the criminal justice system and its harmful effects.



EJI's educational projects include:

- [The Community Remembrance Project](https://eji.org/community-remembrance-project)<sup>1</sup> EJI's Community Remembrance Project is part of a campaign to recognize the victims of lynching by collecting soil from lynching sites, erecting historical markers, and developing the National Memorial for Peace and Justice, which acknowledges the horrors of racial injustice.

As part of its effort to help towns, cities, and states confront and recover from tragic histories of racial violence and terrorism, EJI joins with communities to install historical markers in communities where the history of lynching is documented. EJI believes that by reckoning with the truth of the racial violence that has shaped our communities, community members can begin a necessary conversation that advances healing and reconciliation.

- [The Legacy Museum: From Enslavement to Mass Incarceration](https://eji.org/reports/slavery-in-america)<sup>2</sup> is located in Montgomery and is a narrative museum tracing how the history of racial inequality is connected across four eras: slavery, racial terror lynching, segregation, and mass incarceration. Located near the site of one of the most active slave auction sites in America, The Legacy Museum also hosts the largest archive of the history of racial terror lynchings in the United States.

**See EJI's [Slavery in America: The Montgomery Slave Trade](https://eji.org/reports/slavery-in-america)<sup>3</sup> report to learn more and understand how this history informed the building of The Legacy Museum.**

- [The National Memorial for Peace and Justice](https://eji.org/museumandmemorial)<sup>4</sup> is the nation's first memorial dedicated to enslaved African American people, the victims of racial terror lynching, those who were humiliated and segregated during the Jim Crow era, and people of color burdened with the presumption of guilt and subject to police violence.

**See EJI's [Lynching in America](https://lynchinginamerica.eji.org/)<sup>5</sup> interactive site and [Segregation in America](https://segregationinamerica.eji.org/)<sup>6</sup> report to learn more about how this history informed the vision and construction of the National Memorial for Peace and Justice.**

1 <https://eji.org/community-remembrance-project>

2 <https://museumandmemorial.eji.org/museum>

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

4 <https://museumandmemorial.eji.org/memorial>

5 <https://lynchinginamerica.eji.org/>

6 <https://segregationinamerica.eji.org/>



The Legacy Museum: From Enslavement to Mass Incarceration opened in April 2018.

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# BEFORE SCREENING

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Dr. Martin Luther King Jr. and other civil rights leaders walking to the White House, Washington, D.C., August 5, 1965 (Courtesy Library of Congress)



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You can't, of course, understand the later history of Montgomery, the incredible work that Dr. King does during the Civil Rights Movement, without understanding how all these black people were here in the first place. The slave trade explains that story.

— **BRYAN STEVENSON**

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# FACILITATE A PROCESS OF ENGAGEMENT

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Here are some guidelines to follow in creating an environment for open learning, honesty, engagement and dialogue before and after your screening event.



**WATCH THE FILM BEFOREHAND.** This will help you both tailor the event to your audience and anticipate questions and responses that might come up during the post-screening discussion.



**FOCUS ON INCLUSION.** Think intentionally about how to make your screening event open and inviting to people from different race, class, gender, sex, national, and religious backgrounds, and with different physical abilities. Consider partnering with multiple community groups and leaders of color to ensure your event is inclusive.



**ALLOW FOR DIFFERENT PERSPECTIVES.** The film raises very sensitive issues about race, justice, and our national identity. Remind audiences of parameters for engaging in respectful dialogue. For example, avoid generalizations, use “I” language to explain a personal point of view, and allow others to finish their thoughts before speaking.



**LISTEN RESPECTFULLY.** Allow time to listen before immediately responding can be helpful. Be mindful of not interrupting others while they are speaking.



**ACKNOWLEDGE THAT LANGUAGE MATTERS.** The words people choose to use to describe themselves and others hold enormous importance, power, and meaning. Refer to the **Important Terminology** in the next section for definitions and language that the Equal Justice Initiative uses so as not to perpetuate stereotypes or misconceptions about the history of racial injustice.



**MAKE ROOM FOR VULNERABILITY.** As a facilitator acknowledge that discussing topics of race with strangers is difficult. Invite the group to decide on the guidelines for how they want to engage with the documentary *True Justice* and discuss the work of EJI.

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# TERMINOLOGY FOR DISCUSSING *TRUE JUSTICE*

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Unless noted, the explanation of terms is culled from the Equal Justice Initiative report [Slavery In America: The Montgomery Slave Trade](#), the [Lynching in America](#) Report and Lesson Plan, the [Segregation in America](#) platform and other [EJI.org](#) website content on mass incarceration and the death penalty.<sup>7</sup>

- AMERICAN SLAVERY:** The first Africans were brought to the British colonies in 1619 on a ship that docked in Jamestown, Virginia and held the legal status of “servant.” As the region’s economic system became increasingly dependent on forced labor, and as racial prejudice became more ingrained in the social culture, the institution of American slavery developed as a permanent, hereditary status centrally tied to race. Slavery deprived the enslaved person of any legal rights or autonomy and granted the slaveowner complete power over the black men, women, and children legally recognized as his property. For the next two centuries, the enslavement of black people in the United States created wealth, opportunity, and prosperity for millions of white Americans. The system of enslavement that created this massive wealth was characterized by violence and profound human suffering, including the separation of families. During the domestic slave trade more than half of all enslaved people -- including those trafficked to Alabama -- were separated from a spouse or child.
  
- CIVIL RIGHTS:** The rights of personal liberty guaranteed to U.S. citizens by the Thirteenth and Fourteenth Amendments and by acts of Congress are civil rights. They include the right to receive equal treatment and to be free from unfair discrimination in education, employment, housing, and other settings.
  
- DEATH PENALTY:** In America, people who are convicted of certain murders can be sentenced to be killed by the state. The specific crimes that render someone eligible for the death penalty vary by state. Our modern-day system of executions, which descended from lynching, is defined by poverty, bias, and error. Death sentences are disproportionately meted out to African Americans accused of crimes against white victims. African Americans make up fewer than 13 percent of the nation’s population, but 42 percent of the over 2,700 people currently on death row, and 34 percent of those executed since 1976. The victim was white in over 75 percent of the cases resulting in execution since 1976, although only 50 percent of murder victims nationwide are white. The chief prosecutors in death penalty states are overwhelmingly white; only about one percent are African American.<sup>8</sup>
  
- DOMESTIC SLAVE TRADE:** In 1808, the United States Congress banned the importation of enslaved people from Africa. At the same time, the high price of cotton and the development of the cotton gin caused the demand for enslaved labor to skyrocket in the lower South. The Domestic Slave Trade grew to meet this demand. Over the next fifty years, human traffickers forcibly transferred hundreds of thousands of enslaved people from the upper South to Alabama and the lower South. Between 1808 and 1860, the enslaved population of Alabama grew from less than 40,000 to more than 435,000. Alabama had one of the largest enslaved populations in America at the start of the Civil War.



**ENSLAVED PERSON:** Beginning in the seventeenth century, millions of African people were kidnapped, enslaved, and shipped across the Atlantic Ocean to the Americas under horrific conditions that frequently resulted in starvation and death. Nearly two million people died at sea during the agonizing journey. As American slavery evolved, an elaborate and enduring mythology about the inferiority of black people was created to legitimate, perpetuate, and defend slavery. This mythology survived slavery's formal abolition following the Civil War. In the South, where the enslavement of black people was widely embraced, resistance to ending slavery persisted for another century following the passage of the Thirteenth Amendment in 1865.

**MASS INCARCERATION:** In the 1990s, as lawmakers campaigned to get “tough on crime,” America built a new prison every two weeks and still could not meet the demand for prison beds. The politics of fear and anger fueled “tough on crime” policies — including mandatory minimum sentences, extraordinarily harsh and racially disparate penalties for even minor drug offenses, and the explosion in life sentences without parole — led to unprecedented and unparalleled incarceration rates in America today. Though the US accounts for only five percent of the world's population, it incarcerates 25 percent of the global prison population, and it is a system that is punitive rather than rehabilitative.

**RACIAL HIERARCHY:** Dating back to the era of slavery, a system of stratification developed in America whereby white people had more power and privilege than African Americans. The narrative of racial difference created to justify slavery — the myth that white people are superior to black people — was not abolished by the Emancipation Proclamation or the Thirteenth Amendment, and has survived beyond the era of slavery and continues to shape American life in the present day.

**RACIAL SEGREGATION:** The legal system, formally upheld by the *Plessy v. Ferguson* decision of 1896 that declared “separate but equal” was constitutional paved the way for an era of racial apartheid in the United States. To learn more about the widespread campaign to oppose integration and racial equality visit the learning platform [SegregationInAmerica.eji.org](https://www.eji.org/learning/SegregationInAmerica.eji.org).

**RACIAL TERROR LYNCHINGS:** Violent and public killings targeting African Americans and intending to terrorize the entire community. These particular acts of violence emerged as the federal government abandoned its commitment to newly emancipated African Americans following the Civil War. These racial terror lynchings were often in response to social transgressions or so-called “crimes” that black people committed such as passing a note to a white person, not stepping off the sidewalk when a white person passed, or not calling a white person “sir.” Racial terror lynchings fueled the mass migration of millions of black people who fled the South for the North and West as refugees from racial terrorism. Racial terror lynchings were not limited to the South, but the Southern states had the most recorded lynchings in the United States - more than 4,000 from 1877 - 1950. To learn more explore EJI's [Racial Terror Lynching interactive map](https://www.eji.org/learning/RacialTerrorLynchingInteractiveMap.eji.org).<sup>9</sup>

**RECONSTRUCTION:** (1865 - 1877) Period during which the federal government used federal troops and Congressional authority to enforce emancipation and protect formerly enslaved peoples' new civil rights and American citizenship. In 1877, the federal government abandoned its commitment to newly emancipated African Americans and white Southerners quickly rebuilt a new legal architecture that maintained and enforced white supremacy.

**TRUTH AND RECONCILIATION:** EJI believes that the United States has never honestly confronted our history of racial injustice including examining the lasting legacy of slavery, racial terror lynching, and racial segregation on communities across the country. Learning about and confronting the truth of this history provides us with the opportunity to understand the roots of injustice today, and how injustice continues to impact communities of color. EJI believes that by engaging in truth and reconciliation we can create a more hopeful future for all Americans.

7 Reports available at: [eji.org/sites/default/files/slavery-in-america-summary.pdf](https://www.eji.org/sites/default/files/slavery-in-america-summary.pdf), [lynchinginamerica.eji.org/report/](https://www.eji.org/learning/lynchinginamerica.eji.org/report/), [lynchinginamerica.eji.org/drupal/sites/default/files/2017-06/EJI%20-%20LIA%20High%20School%20Lesson%20Plan.pdf](https://www.eji.org/drupal/sites/default/files/2017-06/EJI%20-%20LIA%20High%20School%20Lesson%20Plan.pdf), and [segregationinamerica.eji.org](https://www.eji.org/learning/SegregationInAmerica.eji.org)

# DISCUSSION TOPICS



NAACP youth and student members marching with signs protesting Texas segregation laws, Houston, Texas, 1947



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The statistic about one in three black male babies going to jail or prison is an indictment of our country and our failure to recognize our historical legacy.

— BRYAN STEVENSON

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# PRE-SCREENING DISCUSSION QUESTIONS

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Asking a few pre-screening questions can both set the tone for the event and surface the themes you hope to cover after your group watches the film. Ask the questions of the large group or pose the questions and invite the audience to discuss their answers with the person next to them.

- ❓ *When you think about the criminal justice system in America, what comes to mind?*
- ❓ *How would you describe the ways in which race has shaped America?*
- ❓ *How does your identity inform your understanding or experience of race in America?*



Richard Ross, RichardRoss.net

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# POST-SCREENING DISCUSSION QUESTIONS

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After screening the film, allow the group to take a few moments to collect their thoughts - you might consider encouraging participants to write their thoughts down in advance of a discussion.

Asking a few general discussion questions before diving into a specific topic will help the audience process what they've watched together.

- ❓ *Reflect on a moment or statement in True Justice that stands out or challenged your thinking in new ways. Share with your group your reflection.*
- ❓ *What is your understanding of Bryan Stevenson's statement, "We're all more than the worst thing we've ever done?"*
- ❓ *What did you see or hear anything in the film that was new or surprising to you?*

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# INFORMING THE POST-SCREENING DISCUSSION

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*True Justice: Bryan Stevenson's Fight for Equality* offers audiences a unique point of departure to critically examine the history of racial inequality and economic injustice in America, participate in correcting the narrative of racial difference for future generations, and begin to build and create solutions to contemporary problems within our economic, political, and justice system.

The topics included in this section are framed around some of the central terms and themes that Bryan Stevenson introduces in the film and that are addressed by the work of the Equal Justice Initiative. As a facilitator we recommend directing audiences to engage directly with the quotes from the film and other information included in each section and use the suggested questions to guide the conversation.



Convict wagons used to transport and house African Americans compelled to work in road gangs, lumber camps, and farms, Watauga County, North Carolina, 1910 (Courtesy Library of Congress)

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# THE CRIMINAL JUSTICE SYSTEM

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“Our criminal justice is six times more likely to incarcerate African American men than white men. If current trends continue, one of every three black boys born in America today will be imprisoned.”<sup>10</sup>

—Bryan Stevenson

**Scope of Section:** *The passages in this section highlight EJIs work providing direct legal services while working to dismantle the myths of racial inferiority and the legacy of discriminatory legal practices and policies that have endured since slavery.*

<sup>10</sup> <https://lynchinginamerica.eji.org/learn-more>



## THE DEATH PENALTY

*"I do think that the issue before us is how the death penalty works in practice. And the fact of the matter is, the death penalty, and I practice in the death belt states of the south, the evidence is undeniable, that the death penalty is a result of race, poverty, politics, and the passions of the moment...You see lots of changes in the deep south, but when you go to the courthouse, nothing has changed, it's like we're back in 1940 or 1950. The judge is white, the prosecutors are white, the court appointed lawyers are white. And even in communities that have fairly substantial African American populations, the jury will be all white. So the only person of color in the front of the courtroom is the person on trial...There's a huge difference between law and justice."*

—Stephen Bright

The Sixth Amendment to the U.S. Constitution, ratified in 1791 as part of the United States Bill of Rights, states: *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.*<sup>11</sup>

### WALTER MCMILLAN SPOTLIGHT

Walter McMillian was convicted and sentenced to death for the murder of a young white woman who worked as a clerk in a dry cleaning store in Monroeville, Alabama. His trial lasted only a day and a half. Three witnesses testified against Mr. McMillian and the jury ignored multiple alibi witnesses, who were black, who testified that he was at a church fish fry at the time of the crime. The trial judge overrode the jury's sentencing verdict for life and sentenced Mr. McMillian to death.

EJI's Bryan Stevenson took on the case in postconviction. He showed that the State's witnesses had lied on the stand and the prosecution had illegally suppressed exculpatory evidence - or evidence that would excuse, justify, or absolve the alleged fault or guilt of a defendant. Mr. McMillian's conviction was overturned by the Alabama Court of Criminal Appeals in 1993 and prosecutors agreed the case had been mishandled. Mr. McMillian was released in 1993 after spending six years on death row for a crime he did not commit.<sup>12</sup>



### DISCUSSION QUESTIONS

- What are the political forces that you see shaping what is fair, just, and legal? To whom do those forces apply?
- African Americans make up less than 13 percent of the nation's population, but 42 percent of the over 2700 people currently on death row are black, and 34 percent of those executed since 1976 have been black. The victim was white in over 75 percent of the cases resulting in execution since 1976, although only 50 percent of murder victims nationwide are white. The chief prosecutors in death penalty states are overwhelmingly white; only about one percent are black.<sup>13</sup> Discuss what the statistics and Walter McMillian's story reveal about the death penalty.
- What are your reactions to reading the Sixth Amendment after watching True Justice?
- Can you think of examples of the presumption of guilt that you have seen in your community?

<sup>11</sup> [https://www.law.cornell.edu/constitution/sixth\\_amendment](https://www.law.cornell.edu/constitution/sixth_amendment)

<sup>12</sup> <https://eji.org/walter-mcmillian>

<sup>13</sup> <https://eji.org/racial-justice/presumption-guilt>

## MASS INCARCERATION

*"We had politicians that were preaching fear and anger to people, and people will tolerate things that they wouldn't otherwise tolerate. They'll put up with abuse and misconduct if they're afraid and angry. That's why I think the politics of fear and anger have been the fuel of mass incarceration. If you go anywhere in the world where there's oppression, if you ask the oppressors why they do what they do, they'll give you a narrative of fear and anger, which is why I think pushing against that is so key."*

—Bryan Stevenson

### DISCUSSION QUESTIONS



- What is your reaction to the idea that fear and anger have been the fuel of mass incarceration?
- What other examples can you think of where the politics of fear and anger become a justification for systems of oppression?
- After watching the film, what do you see as an alternative to the politics of fear and anger?

## ALL CHILDREN ARE CHILDREN

*"What's happening to too many of our children in the (Northern) communities where people fled from violence and terror, is that they're still being terrorized. They live in violent neighborhoods, they go to violent schools, and by the time they're five, they actually have a trauma disorder. Threat and menace becomes a defining reality in the lives of these children and when you're constantly dealing with that year after year after year, at the age of eight if someone were to come to you and say, 'Hey, I got a drug, why don't you try this?' And for the first time in your life you have three hours where you don't feel threatened and menaced, what do you want? You want more of that drug. If somebody at ten or eleven says, 'Hey man, why don't you join our gang, we're going to help you fight all of these forces that are threatening and menacing you?' And you say, 'Yeah.' Instead of seeing that choice as choice that—that's a bad kid, we all just see that choice as a choice of a larger problem. We've got thirteen states in this country with no minimum age for trying a child as an adult. I've represented nine and ten-year-old kids facing sixty and seventy-year prison sentence. We started putting thirteen-year-old children in prison with sentences of life imprisonment without parole, we condemn them to die at thirteen and fourteen."*

—Bryan Stevenson

### DISCUSSION QUESTIONS



- Bryan Stevenson talks about a trauma epidemic among children from poor communities of color. Reflect on the work of EJI and the stories in *True Justice* and share your best thinking about what recovery needs to include.
- Discuss the through-line that you see in how the legacy of slavery is connected to child sentencing in today's criminal justice system.
- What larger historical narrative is EJI changing with their campaign "All Children Are Children?"



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# THE NARRATIVE OF RACIAL DIFFERENCE IN AMERICA

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*“I think what happened to Native people on this continent was a genocide. We forced these communities from land through war and violence. We didn’t call it a genocide because we said, ‘No, these Native people are different - they’re a different race.’ And we used this narrative of racial difference to justify the abuse, the exploitation, the destruction of these communities. And that narrative of racial difference is what then made slavery in America so problematic. And you cannot understand slavery in America without understanding the role that the United States Supreme Court played in making slavery acceptable, making slavery moral, making slavery legal. Slave owners in the American South wanted to feel like they were moral people - they were Christians. And to feel that and still be owning other people they had to say that black people are different than white people. And that was ratified by the Supreme Court in the Dred Scott decision.”*

—Bryan Stevenson

**Scope of Section:** *One central component of EJI and Bryan’s work is educating people about the false narrative of racial difference in the United States, so that we may work to build a more just future. This section explores key passages from True Justice about the narrative of racial difference.*

## RACIAL TERROR

*“In many ways, you can say that the North won the Civil War but the South won the narrative war. If the urgent narrative that we’re trying to deal in this country is a narrative of racial difference, the narrative we have to overcome is a narrative of White Supremacy - the South prevailed. And that’s what we were dealing with at the beginning of the 20th Century when we began an era where White Supremacy, racial subordination, racial hierarchy is going to be enforced in a new way—lynching.”*

—Bryan Stevenson

*“Six million black people fled the American south in the first half of the 20th century. One of the largest mass migrations in world history. The black people in Cleveland, the black people in Chicago, the black people in Detroit, in Los Angeles, in Philadelphia, in Boston, in New York, came to these communities as refugees and exiles from terror in the American south. Those communities have never been given the opportunity to recover in the way that I think they should. And that creates conditions today that are very problematic. What’s happening to too many of our children in these communities where people fled from violence and terror, is that they’re still being terrorized.”*

—Bryan Stevenson



## DISCUSSION QUESTIONS

- What does Bryan mean when he says, “The North won the Civil War, but the South won the narrative war?”
- Discuss how racial terror led to the Great Migration of black people from the American South to other parts of the country. How can we understand the conditions in marginalized communities in these areas today as a direct result of this period of history?
- It took until 2018 to pass legislation that made lynching a federal crime. Discuss why you think it took more than a century to make that change.

## COMPLICITY

*"I get frustrated when I hear people talking about 'if I had been living during the time of slavery of course I would have been an abolitionist.' And most people think that if they had been living when mobs were gathering to lynch black people in the courthouse lawn, they would have said something. 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, 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."*

—Bryan Stevenson

*"The people who perpetrated these lynchings weren't people wearing white hoods, there was no need to wear a hood. You could actually pose with the victim's body. You could carve their body up and collect souvenirs. This was actually a point of pride. Everybody was complicit."*

—Bryan Stevenson



### DISCUSSION QUESTIONS

- What does it mean to be complicit?
- What are your reactions to Bryan Stevenson's statement "watching these systems be created... and doing nothing is the same as being complicit?"
- Millions of white Americans opposed integration. Think about those who opposed integration, were witness to lynchings, or were complicit in the subordination of African Americans. What role did apathy or willful indifference play in their behavior?

## TOLERANCE OF ERROR

*"Our history of lynching casts a shadow over the modern death penalty, and the cases of people like Walter McMillian show the power of that shadow to be destructive. We've now had 156 people proved innocent after being sentenced to death. With less than 1,500 executions, that means that for every ten people that we've executed, we've now proved one innocent person on death row. It's a shocking rate of error. We tolerate that error because we have a consciousness that says what happens to 'those people' isn't really that bad. It's the same consciousness that allowed us to tolerate thousands of lynchings. And to understand the consciousness that would give rise to that you have to remember how the courts had created this idea that these black people are not people— they're not fully human. And so in that sense, you can't disconnect the death penalty from the legacy of lynching, and you can't disconnect the legacy of lynching from the era of enslavement."*

—Bryan Stevenson



### DISCUSSION QUESTIONS

- How do you understand the links between the legacy of slavery, racial terror, and lynching to the current policy of mass incarceration?
- How is EJI's educational and narrative work dismantling our tolerance for this rate of error in death penalty sentencing?

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# TRUTH AND RECONCILIATION

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*“I want there to be repair in this country not just for communities of color that have been victimized by bigotry and discrimination, I want it to be for all of us. I don’t think we can get free until we’re willing to tell the truth about our history. I do believe in truth and reconciliation. I just think that truth and reconciliation is sequential, that you can’t have the reconciliation without the truth.”*

—Bryan Stevenson

**Scope of Section:** This final section brings together topics and passages that link the Equal Justice Initiative’s legal work with exposing the false narrative of racial difference in order to reach a time where honest and effective truth and reconciliation can occur.

## SHAME AND APOLOGY

*“Nobody in the state of Alabama, governor, lieutenant governor, senators, have had the decency to say, Mr. Hinton, we’re sorry ... I truly don’t want to believe that they haven’t apologized because of the color of my skin. I guess men of power, feel that they don’t have to apologize to a man of no power.”*

—Anthony Ray Hinton



## DISCUSSION QUESTIONS

- Mr. Hinton shares that nobody has apologized to him for his wrongful conviction and incarceration. Reflect on why you think this might be important to him.
- It took until 2008 for the U.S. House of Representatives to offer an official apology for slavery. Examine and discuss the power of an official apology.
- What might an “era of truth and reconciliation” look like?



## FAILURE TO MEMORIALIZE

*“We spent time at the archives trying to uncover information about the role that Montgomery played in the slave trade. It was information that was a surprise to us and that we were under the impression that it would probably also be a surprise to a lot of other people. And that it was especially compelling to us because this is a community that has a lot of information about its history everywhere. And it has a lot of information about the history of the confederacy everywhere. But most of those markers and those kinds of things and monuments, they don’t really say anything about the history of enslavement and kind of how that played out in this community...”*

—Bryan Stevenson



### DISCUSSION QUESTIONS

- What role do you see for public markers and memorials in moving our society forward towards equal justice for all? How do we integrate difficult truths into our understanding of our national false narratives?
- In what ways have you learned from the film or in this discussion that our history of racial injustice is not told, or changed, or masked? Why does truth-telling matter?

## HOPELESSNESS IS THE ENEMY OF JUSTICE

*“Even though it’s brutal and difficult, there’s something unbelievably hopeful about the stories of people who would endure this brutality, who would live with this threat and terror, who would navigate the brutal, violent, humiliating segregation that many of my people have had to navigate, and still say, ‘I want to be an American. I want to succeed. I want to create justice in this country. I’m willing to create ways of living together with people who are different than me.’ The hope of that story is the strength of this nation, but we’re not gonna understand that strength until we understand what has threatened it, what has shaped it. I think it’s important that we understand all the brutal, all the ugly details. Those are things that actually give rise to what might allow us to one day claim something really beautiful.”*

—Bryan Stevenson



### DISCUSSION QUESTIONS

- Bryan Stevenson shared, “Right before Mr. Hinton was released, we were talking. He was telling me, ‘I can’t hate people. I don’t want to stay in a prison when I leave here.’ He said, ‘It’s going to be hard. But I think I’ve actually decided that I’m going to forgive.’” What are your thoughts and reactions to Mr. Hinton’s decision to forgive?
- Bryan Stevenson believes that in order to give rise to the full strength of this nation it is incumbent to understand and address all the brutal, ugly details of our nation’s history. What is your reaction to his assessment?
- What is the role of hope in creating a future of racial equity in our nation?

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# TAKE ACTION

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## SHARE THE FILM

Beginning in January 2020, HBO in partnership with the Kunhardt Foundation, will allow the film to be released widely to the public, free of charge. HBO will also release the film on DVD in early 2020.



## VISIT THE LEGACY MUSEUM AND NATIONAL PEACE AND JUSTICE MEMORIAL

<https://museumandmemorial.eji.org>



## DISCOVER AND COMMEMORATE THE RACIAL HISTORY OF YOUR OWN COMMUNITY

<https://eji.org/community-remembrance-project><sup>14</sup>



## READ EJI'S REPORTS<sup>15</sup>

EJI has published detailed reports, which feature resources on a variety of historical eras and experiences, including the domestic slave trade, focusing on Montgomery, Alabama's history as it became the capital of the domestic slave trade in the south by 1860, the era of racial terrorism, defined by more than 4,400 documented cases of racial terror lynching of African Americans and the particular targeting of African American veterans, and the era of segregation that revealed the massive resistance of many white Americans against civil liberties and rights for African Americans.

EJI has also published detailed reports about Children Sentenced to Death in Prison in the U.S. and racial bias in jury selection in contemporary criminal cases.



## TRACK THE RACIAL JUSTICE CALENDAR

Learn about the history of racial inequality in the United States and the essential need for truth and reconciliation on issues of racial justice through [EJI's award-winning wall calendar](#).<sup>16</sup>



## VOLUNTEER WITH A RE-ENTRY OR REFORM ORGANIZATION

Contribute your individual skills and passion to directly support the work of an organization near you. Donate Now to support EJI's [Post-Release Education and Preparation](#)<sup>17</sup> program.

<sup>14</sup> <https://eji.org/community-remembrance-project>

<sup>15</sup> <https://eji.org/reports>

<sup>16</sup> <https://shop.eji.org/collections/books-calendars/?category=Calendars>

<sup>17</sup> <https://eji.org/eji-prep-reentry-program>

# TRUE BRYAN STEVENSON'S FIGHT FOR EQUALITY JUSTICE

This Discussion Guide was created in partnership with THE KUNHARDT FILM FOUNDATION, HBO, Bank of America, The Kohlberg Foundation and the Arthur M. Blank Family Foundation in support of community and school discussions of *True Justice: Bryan Stevenson's Fight for Equality*. This resource reflects the dedication of the Kunhardt Film Foundation and part of its work towards a more just world.

All footage courtesy of HBO®.

We would like to dedicate this guide to the Equal Justice Initiative for their decades of work and tireless commitment to creating a brighter future.

Screening Guide developed and written by Blueshift Education.

KUNHARDT **FILM** / FOUNDATION

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FAMILY FOUNDATION

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