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Surviving Justice Curriculum

Lesson One

Time Needed: 3-4 class periods

Materials: *Surviving Justice* narratives: Juan Melendez (30 pp), Gary Gauger (30 pp), Joseph Amrine (36 pp), Scenario for Surviving Justice, Exoneree Worksheet, Stand Up/Sit Down Exercise and Talk to the Text Handout.

Objective: Making personal connections to wrongful incarceration, the death penalty and other aspects of the U.S. Criminal Justice system

Related Core Curriculum Standards: Reading, History RH.9-10.2. RH.9-10.4 RH.9-10.10, Speaking and Listening SL9-10.1, SL.11-12.1, SL.9-10.2, SL.11-12.2

Overview: This unit explores the flawed and complicated nature of the U.S. criminal justice system through the stories of wrongfully convicted and exonerated individuals. It enables students to experience this system as an extension of a society they have a personal stake in, rather than as an un-embodied, faceless bureaucracy. In the process, students can empathize with the plight of each narrator, personalizing the details of how these human beings were stripped of their identity.

Narrative excerpt: "When the trial first got started, I was like, "I can't believe this. This has gone on long enough now." The second day of the trial, my lawyer told me, he leans over and says, "We're halfway home." I'm looking at him saying, "Halfway to death row," because what I'd seen of the trial so far, it didn't look good for me. Because they had two guys who claimed they'd seen the murder, and I'd commit- ted the murder. They had Terry Russell, who claimed I told him I committed the murder. The main thing I was thinking was, "How are they going to believe inmates over the guard?" And that's one point I could never get past, that they actually took the inmates' word over the guard. So that was going through my mind. The guard was in the room when it happened. And the guard identified another guy as the one who committed the murder." —Joseph Amrine

Day One

Step One: Before reading any of the narratives, students should participate in the following "warm-up" activity (10 minutes):

- See What Would You Do? Worksheet

Step Two: Students do a "pair share" by sharing their answers with a neighbor. (5-7 minutes)
Step Three: Ask pairs to share their ideas, and discuss them as a class. (15 minutes) Possible discussion prompts:

- How did your opinions about your community influence your answers?
- Did your beliefs about our justice system influence your answers?
- Did any direct or indirect experiences shape your answers?

Step Four: Introduce *Surviving Justice* and read pages 3-7 of the introduction as a class (10-15 Minutes). Take time for any clarifying questions. Refer to the glossary *of Surviving Justice* for vocabulary terms.

Step Five: Ask pairs to share their ideas, and discuss them as a class (15 minutes).
Possible discussion prompts:

- How did your opinions about your community influence your answers?
- Did your beliefs about our justice system influence your answers?
- Did any direct or indirect experiences shape your answers?

Step Six: Assign one of the following narratives to each student as homework: Juan Melendez (26 pp), Gary Gauger (26 pp), or Joseph Amrine (31 pp). Please add additional time for reading (either as homework or during class) if needed. Students should use active reading strategies such as the Talk To The Text handout to generate questions for group discussion.

Day Two

Step One: If needed, begin with additional time for reading and reflection (time will vary).

Step Two: Working in groups according to their assigned narratives, students discuss comments from their Talk to the Text worksheets. Assign a facilitator and note-taker for each group. The facilitator will be responsible for asking the group to share comments, opinions, potential answers, and making sure to get feedback from each member of the group. The note-taker is responsible for writing down the key points of the discussion. Each student should share at least five comments—one of each type from the worksheet (*20 minutes*).

Step Three: Using the notes from their group discussion, facilitators report the key ideas and comments to the entire class, encouraging students from other groups to comment and answer each other's questions (*10 minutes*).

Step Four: During class or as homework, students complete the attached *Surviving Justice* **Exoneree Worksheet** (20-25 minutes).

Day Three

Step One: Have students write a one-paragraph response to the following prompt (5-7 minute).

Do you think it's possible that you could be arrested for a crime you didn't commit? Why or why not?

Step Two: Ask the class to share their responses to the prompt. Make sure to refer back to the exoneree's narratives for counter-examples (5-7 minutes).

Step Three: Conduct the Stand Up/Sit Down Exercise. Instructions are below (*5 minutes).*

Stand up/Sit down Instructions
Adapted from Bay Area Police Watch, an organization that assists survivors of police misconduct and brutality).

Explanation of the activity: The facilitator will read out a statement and if the statement is true for you, then you stand up. If the statement is not true for you, stay seated.

Statements:

- **Stand up** if you have been harassed or stopped by the police.
- **Stand up** if you have been harassed in or followed around a store.
- **Stand up** if you feel like the laws in this country are set up to protect you.
- **Stand up** if you or someone you know has been falsely accused of a crime.
- **Stand up** if you feel the police will protect you if you need to call on them.
- **Stand up** if you feel the police only use force when necessary.
- **Stand up** if you or someone you know has been a victim of police misconduct.
- **Stand up** if you have ever felt intimidated by the police.
- **Stand up** if you feel the police have the right to stop and search you with no warrant.
- **Stand up** if you feel community members should work in conjunction with the police when it comes to policing their community.

Step Four: After the statements have been read out, break up the group into pairs to process out any thoughts or feelings the exercise brought up. They can either choose to share a story that related to one of the statements or else share general reflections (*5 minutes).*

Step Five: Invite anyone to share with the entire group. During your discussion, consider the following questions (*15 minutes*):

- Were you surprised by who stood and sat? Why?
- How did it feel to stand/sit?
- What does this exercise tell you?
- How does our community handle these issues?
- As a society, what contributes to this "cycle" of conduct or behavior?

Step Six: Conclude the unit by referring back to the narratives from *Surviving Justice.* Ask students to share their responses to the following questions (5-7 minutes):

- What in your *Surviving Justice* narrative surprised you?
- What is most important to you in the narrative you read?

Step Seven (optional)**:** Have students respond to the following essay prompt:
"Men simply copied the realities of their hearts when they built prisons."
–Richard Wright.

In a well-developed essay, explain how the experiences of one of the narrators from *Surviving Justice* support or refute this statement.

Possible Oral History Project: Class creates an oral history project focusing on wrongful conviction and incarceration of youth, examining juvenile justice and youth violence in their community.

Media Option:
Organizational Websites:
American Civil Liberties Union Download: *What to do if you're stopped by the police, immigration agents, or the FBI*
https://www.aclu.org/sites/default/files/field_document/bustcard_eng_20100630.pdf
Center for Wrongful Conviction of Youth: http://cwcy.org/
The Innocence Project: http://www.innocenceproject.org/
Life After Exoneration Program: https://exoneratednation.org/

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What Would You Do? Worksheet

Read the following scenario and completely answer the questions that follow.

One Saturday afternoon, you are arrested while you are walking down the block to a friend's house. You are charged with aggravated assault and robbery.

While the police are questioning you, you find out that, at 4 a.m. the previous evening, a man stopped his car at a stop sign just one block away from your house and was pulled from his car. He was brutally beaten and had fifty dollars in cash stolen from his wallet. He claims that his assailant was wearing a mask, but your body and style of dress match his description exactly (it also matches most of the people in your neighborhood). Coincidentally, the police find *exactly* fifty dollars in *your* wallet.

You repeatedly tell police that you are innocent and that you spent the previous evening sleeping, that you went to bed at 10pm and woke up at 8am. Since you were sleeping alone and your parents were out of town, there is *no one* to prove you were home the entire time, and you cannot provide an alibi for the time of the crime.

During your trial, the attorney assigned to you instructs you to remain silent, and when you attempt to speak to defend yourself (since the attorney isn't doing it), the judge silences you and threatens to remove you from the courtroom entirely if you do not remain quiet.

You listen as the prosecution presents its case, and even you have to admit that it sounds like you *could* have committed this crime. Despite the fact that there isn't very much evidence against you, the jury (which is made up of twelve people of a different race from you) very quickly deliberates and finds you guilty as charged. You have *never* admitted to the crime and have continued to vigorously insist that you are innocent. Because of your earlier outbursts, you are not allowed to speak after your sentence is handed down: ten years in prison.

1. Given these circumstances, is there anything you could have done to prevent your incarceration?

2. How would you convince others of your innocence once you're in prison?

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Student Name:

Date:

Exoneree Worksheet

Name of exoneree:

Crime exoneree was convicted of:

How long was this person imprisoned?

1) Give some background about the person you studied, e.g. where they're from, what their family or personal life was like. Be sure to mention details pertinent to the case.

2) Describe the crime of which this person was accused.

3) How did this person come to be linked to the crime?

4) How does the exoneree describe their experiences in prison? How did maintaining their innocence affect their time in prison? Did it make it more or less difficult?

5) What was life like for this person after s/he was released from prison? How did the label of "exoneree" affect him/her?

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Graffiti Wall Exercise

Time Needed: One to two class periods

Materials: Poster-size sticky notes or large pieces of butcher paper, tape, and large felt-tip markers.

Objective: To encourage personal responses to contemporary issues through interpretation, analysis, and empathy.

Related Core Curriculum Standards: Reading History RH.9–10.2. RH.9–10.3, RH.9–10.4.

Step One: Read selected excerpts of Beverly Monroe's or Chris Ochoa's story as a class or in small groups. Encourage students to practice active reading strategies (20 minutes).

Step Two: Hang large pieces of butcher paper or poster-size sticky notes on the wall. Have students post on the "Graffiti Wall" their feelings, responses, and questions related to the narratives, using individual words, quotations, questions, drawings, and symbols. If it is a large class, you can split into two or more groups for this part of the activity (10 minutes).

Step Three: Have the class silently "examine" the wall(s) (5 minutes).

Step Four: Facilitate a class discussion based on what the wall communicates about students' personal responses to the narrative (15 minutes). Possible prompts include:

- Do any themes emerge (inequality, oppression, anger, confusion, etc.)?
- Are there any contradictions?
- Is there anything missing?
- Does oral history personalize the issues represented on the wall? If so, how?

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