
LESSON FOUR - EQUAL JUSTICE INITIATIVE'S WORK

ALL CHILDREN ARE CHILDREN

ESSENTIAL QUESTION

How does the Equal Justice Initiative (EJI) work strategically to end the harsh punishment of children in the criminal justice system?

OVERVIEW

In this two-day lesson, students will learn how the Equal Justice Initiative evolved from an organization that was primarily focused on legal advocacy into one that also addresses the way our nation thinks about and teaches our history, and what it will take to bring about racial and economic justice.

To deepen their understanding of this lesson's essential question, students will engage in a case study that illustrates EJI's dual approach to fighting for justice for children in our system of mass incarceration. Using multiple source materials including documentary film clips from *True Justice: Bryan Stevenson's Fight for Equality*, first-person interviews collected during the making of the documentary and excerpted from the Interview Archive, and audio recordings of oral arguments from the United States Supreme Court, students will immerse themselves in how EJI's legal and education efforts work in tandem to create change. Students will synthesize their learning of EJI's strategic approach to reform and justice on the narrative map of their choice.

LESSON OBJECTIVES

Students will:

- Examine EJI's work to end unfair and harsh punishment for children in prison
- Conduct research on Supreme Court Cases that directly challenge the treatment and sentencing of juveniles in the criminal justice system
- View segments from *True Justice* and the Interview Archive to deepen understanding about the strategies EJI uses to achieve these goals
- Use the source materials from the lesson to summarize their understanding of EJI's approach to transforming law, education, and culture simultaneously

MATERIALS

Equipment for viewing film clips and interview threads, and copies of all handouts

LENGTH

Two 50-minute class periods plus homework

ACTIVITIES: DAY ONE

1. OPENING

Introducing the Work of EJI through *True Justice*

Teacher Note: While these opening film clips do not directly focus on the work of EJI with children, they do build background knowledge on the work of EJI and how it has evolved over time.

Distribute Handout One: The Work of EJI Note Catcher

Ask students to review the Note Catcher before watching the clips so they are familiar with the questions. Invite students to write down their notes while watching, and offer a few minutes after each clip to complete their notes.

Watch Film Clips One and Two

> **Clip One:** *You've Got to Be Brave, Brave, Brave* (runtime: 5 min)

This clip introduces several seminal cases litigated by Bryan Stevenson and EJI before the Supreme Court. Bryan Stevenson argues that the death penalty is racially discriminatory, and in *McCleskey v Kemp*, the Supreme Court finds that some amount of racial bias is “inevitable.”

> **Clip Two:** *I Am Part of the Broken Community* (runtime: 6 min)

In this clip, Randy Susskind and Bryan Stevenson reflect upon the professional and personal challenges of working with death penalty cases. Bryan also reflects on how he garners strength from struggle and is inspired by the struggles of other civil rights leaders in history such as Dr. Martin Luther King.

Debrief Clips One and Two with these recommended questions:

- What new information did you learn about the work of EJI to add to your understanding?
- In your own words, how would you explain the difference between law and justice? (For classes that completed Lesson Three), How do these clips change or enhance your understanding of the difference between law and justice?

2. ANALYZING FILM AS TEXT

A Case Study of EJI's Work with Children

Watch **Clip Three: All Children Change** (run time: 7 min)

The clip begins with Bryan Stevenson sharing a very personal story about the murder of his grandfather and how this crime is deeply rooted to his understanding of racial injustice in the United States, particularly regarding African American youth, and how this has informed his work with children within the Equal Justice Initiative

Offer students a moment to finish collecting what they learned and writing down any questions that remain on the Note Catcher.

3. EXAMINING THE REPORT *ALL CHILDREN ARE CHILDREN*

Share EJI's Report [*All Children Are Children*](#) with students by projecting each page and taking time to read the information and absorb the powerful photographs from Richard Ross. Invite students to pay close attention to the images and jot down ideas and statistics from the report that demonstrate why children are considered fundamentally different than adults and should be treated differently within the legal system.

4. EXIT CARD

Before leaving class, have students complete an Exit Ticket using the prompt: "What connections do you see between the legal, educational, and cultural work of EJI?" Collect the Exit Tickets and assess for student understanding. If there are gaps or lingering questions, consider incorporating these into the Opening exercise of Day Two.





ACTIVITIES: DAY TWO

1 . OPENING DISCUSSION

Begin day two by having students review their notes and handouts from the previous day, and ask one or two students to share their impressions thus far.

Watch [EJI Video - Cruel and Unusual: Sentencing 13 and 14 year olds to die in prison](#) video (runtime: 3:30 min). This EJI-produced piece details EJI's work with children and the particular laws imposing life without parole on children.

2. THE SUPREME COURT AND EJI'S WORK WITH CHILDREN

Teacher Note: Students will listen to recordings of the oral arguments Bryan Stevenson made in front of the Supreme Court in either of the cases pertaining to the imposition of life without parole on juveniles for non-homicide offenses.

Distribute Handout Two - The Supreme Court and EJI's Work with Children

Read over the list and explain to students that they will be taking a close look at two cases challenging the imposition of life without parole sentences on juveniles.

Oral Arguments

Have students choose either *Sullivan v. Graham* or *Miller v. Alabama* to listen to Bryan Stevenson's opening oral argument. (The audio is available at oyez.org) Because his portion of the opening argument runs 25:00 minutes, adjust the listening time to the pace of your class with 15 minutes being the minimum recommended time for students to listen and get a sense of presenting an oral argument in front of the Supreme Court.

If internet access is available in class, students can follow along the written transcript of the oral argument with the audio. If internet is not available, the transcripts can be printed or projected for students to follow.

3. A CLOSE VIEW - INTERVIEW THREADS

Teacher Note: The film-makers conducted numerous interviews to produce *True Justice* and nine of these interviews are free and accessible in the [Interview Archive](#) on the [Kunhardt Film Foundation](#) website. A selection of these interviews, edited together here to create interview threads, are available for your students' learning.

For Lesson Four:

- Two interview threads were created for this lesson that teachers and students can choose from, or use together, to deepen their understanding of the lesson topic.
- Print and distribute Handouts Four and Five in the "Resources" section in the lesson so students can follow along with the interview transcripts.

Handout Three: Recognizing Humanity Thread, Interview Archive
Handout Four: All Children are Children Thread, Interview Archive

- As they watch the threads, have students follow along on the transcripts, under lining details that catch their attention, and jotting down questions and insights that come to mind after viewing each thread.

4. BUILDING A NARRATIVE MAP

Bryan Stevenson and the Equal Justice Initiative believe that throughout history, false narratives have helped to create and sustain injustice, and that it is necessary to confront and change these narratives in order to create a more just society.

To engage students in the process of building a new narrative, each lesson culminates by having students synthesize their learning and map out this information into a form of their choosing. In Lesson Six students will compile these new narrative maps to complete a final assessment.

Here are some suggested narrative maps:

- > Storyboard**
A sequence of drawings, typically with some directions and dialogue - that conveys their understanding of the lesson topic
- > Graphic Organizer**
A way to present related information in both a visual and text format
- > Sketchnotes**
Often referred to as doodling, sketchnoting is defined as creative, individualized note taking that uses a mix of words and pictures together to create a personal story or narrative.

For Lesson Four

Using the narrative map of your choice on Handout Four, organize your learning to reflect your impressions, insights, opinions, and questions about the essential question of this lesson, how EJI works strategically to end the harsh punishment of children in the criminal justice system.

5. CLOSING DISCUSSION QUESTIONS

- What are some areas of advocacy that can be used to shift inequalities in the criminal justice system?
- If you could communicate one thing you've learned so far about the criminal justice system to all high schools around the United States, what would it be?
- Discuss your understanding of how EJI's strategy evolved from a legal advocacy organization to include educational work.
- How does understanding the narrative of racial difference and gaining deeper insight into our nation's history of racial inequality support EJI's legal arguments?

7. EXTENDED LEARNING

Visual Representations

Have students work in pairs to turn one of these quotes and/or statistics into a concrete visual representation such as an infographic or other forms of illustration. Students can conduct further research to expand on their chosen quote or statistic cited. For example, students can find a statistic online about the Death Penalty and exonerations and visually represent it for the class.

Examining the History of Life Without Parole

Research the history of life without parole sentences in the United States and write an essay about what you learned about death in prison sentences. Here are several organizations with resources to access:

- The Marshall Project: [“Life Without Parole”](#)
- Death Penalty Information Center [“Life Without Parole”](#)
- The Sentencing Project [“Criminal Justice Facts”](#)
- ACLU [“A Living Death: Life without Parole”](#)
- The New Yorker, [The Meaning of Life Without Parole](#)



Common Core State Standards

Anchor Standards

Reading Literature and/or Information: Integration of Knowledge and Ideas.

RL/RI.X.7. Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.

RL/RI.X.8. Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

RL/RI.X.9. Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.

Speaking and Listening: Comprehension and Collaboration

SL.X.1 Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

SL.X.2. Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally

SL.X.3 Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric.

SL.X.5 Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.

Writing: Research to Build and Present Knowledge.

W.X.7: Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.

W.X.8 Gather relevant information from multiple print and digital sources, assess the credibility and accuracy of each source, and integrate the information while avoiding plagiarism.





HANDOUT ONE: **NOTE CATCHER,** **THE WORK OF THE EQUAL** **JUSTICE INITIATIVE**

Directions: Write down what you understand about EJI's work while you watch each of the three film clips.

The death penalty:

People who have been unfairly sentenced:

The importance of having a good lawyer and the right to a lawyer:

People who are innocent:

Children:

Education:

2. Bryan Stevenson talks about being “part of the broken community.” What community is he talking about, and how does that relate to the work of EJI?

3. What historical information and influences did you see in these clips and how do they shed light on the current state of our criminal justice system?

4. How do you think the educational work of the Equal Justice Initiative relates to its ongoing legal work?

HANDOUT TWO: THE SUPREME COURT AND EJI'S WORK WITH CHILDREN

Introduction: Bryan Stevenson has argued in front of the U.S. Supreme Court five times.³³ These cases resulted in decisions banning life without parole sentences for convicted minors and made possible resentencing hearings for approximately 3,000 people sentenced to die in prison as children. EJI's successful arguments also affirmed the right of people who are incarcerated and on death row to challenge the proposed method of their execution.

Directions: Listen to Bryan Stevenson's oral argument in front of the Supreme Court in either **Sullivan v. Florida** or **Miller v. Alabama**.

*Sullivan v. Florida*³⁴ (2009)

Question posed in the Supreme Court: Does the imposition of a life sentence without parole on a 13 year old convicted of a non-homicidal offense violate the Eighth and Fourteenth Amendments' prohibition of "cruel and unusual punishment?"

Note that the Court's decision in Sullivan was announced in Graham v. Florida,³⁵ the companion case to Sullivan.

*Miller v. Alabama*³⁶ (2011) and *Jackson v. Hobbs* (2011)

Question posed in the Supreme Court: Does the imposition of a life-without-parole sentence on a fourteen-year-old child violate the Eighth and Fourteenth Amendments' prohibition against cruel and unusual punishment?

Note these were two cases argued together (Bryan argued both on the same day); Miller v. Alabama and Jackson v. Hobbs;

(Other cases EJI argued in front of the United States Supreme Court)

McMillian v. Monroe County, Alabama (1996)³⁷

*Madison v. Alabama*³⁸ (2018)

33 https://www.oyez.org/advocates/bryan_a_stevens
34 *Sullivan v. Florida* <https://www.oyez.org/cases/2009/08-76>
35 *Graham v. Florida* <https://www.oyez.org/cases/2009/08-741>
36 *Miller v. Alabama* <https://www.oyez.org/cases/2011/10-96>
37 <https://www.oyez.org/cases/1996/96-5>
38 *Madison v. Alabama* <https://www.oyez.org/cases/2018/17-75>



HANDOUT THREE: **RECOGNIZING HUMANITY THREAD, INTERVIEW ARCHIVE**

Directions: Underline key phrases and new details as you watch and listen to the interviews.

RANDY SUSSKIND

I think when you do this kind of work watching Bryan, it does feel like it's something a little bit beyond just doing the legal work, that there is some aspect of it that feels like a ministry, that feels like we're doing something that is connecting with our clients beyond just the lawyering. "Here's your legal argument. I've reviewed the facts of your case and here's the best approach that we think we should take," and you can write them a client letter and send it off like that. But just generally, under the leadership of Bryan, we all had this sort of approach that we're treating people beyond the scope of the legal representation. It's more of a friendship, it's more of getting to know people as people, not just as clients.

And so yeah, we have lots of opportunities where we're talking to the clients' children, the family members, the mothers, and we're getting to know our clients beyond just what is necessary for the specific legal arguments that we're making in the cases. We know, because we have to investigate their life history in most of the death penalty cases, we know a lot about them and their personality and their development, both through investigation, but just in conversations. And it does feel like we're doing something beyond just being a lawyer. There's an extra human element, there's an extra compassion, there's just something else that's happening.

And we all feel that at EJI, and it starts from the top, the way Bryan approaches his relationship with clients that's fostered throughout the organization, and we all sort of follow his lead. And we all, I think, generally, are trying to make connections with our clients that go beyond the legal framework. We're meeting folks on death row, we're meeting our clients in prison, and we're having relationships at a human level. It's not just attorney-client kind of stuff.

SIA SANNEH

Yeah. I mean, I was involved in my first year and a half in several cases where we were not able to save our client, and I think it's an impossible thing to prepare for and it's something that I think you never get past, I'll certainly never get past that. But I spent a day at the prison with a client the day that he was going to be executed and spent the day with his parents and have just, it's ... To me, this is now eight, nine, years ago, but it feels like yesterday. Some of these cases, they just never leave you. And I think one thing that has been so remarkable and devastating for me to experience is the gratitude that this client who I'm thinking of, expressed to me in his last day. I mean, he was hours away from facing execution and he was thanking us, thanking EJI for representing him, thanking us for trying to do what we could for him. And I think about those things because there's so much humanity and dignity that I've seen clients express in the face of a system that is so cruel and so absurd, and those moments have stayed with me more than anything else that I've experienced as a lawyer, because people's capacity for humanity and hope and resilience in the most difficult of circumstances is an extraordinary thing to experience and I think if you've been up close to that, it's hard to understand why we want to kill people. It really is. I mean I understand the historical roots of that and why that is such a strong impulse in American culture, but having gotten to know some of the men and women on death row, it's they have an extraordinary capacity for care and hope and thoughtfulness for each other.



HANDOUT FOUR: **ALL CHILDREN ARE CHILDREN THREAD, INTERVIEW ARCHIVE**

Directions: Underline key phrases and new details as you watch and listen to the interviews.

SIA SANNEH

We have a successful victory at the Supreme Court in 2010 and then a few years later in the Miller versus Alabama case. I think in some offices, the reaction is just celebration and cake, and Bryan's response is yes, celebration, thrilled that we won the case, but the meeting on that day, the same day we win the case is about what we're going to do to make that case a reality for the people we represent. Reminding all of us that we haven't done anything yet. We've just given ourselves a tool. We have an idea that if we use it properly, we can help change the way that people see kids and also help some of our kids leave prison, but that's up to us. We now have a new challenge to take on, and I think that's a very Bryan Stevenson-esque way of thinking about victory and success that is unusual but is really helpful and really important.

After we had the success in the Supreme Court, the question for us was okay, what are we going to do for some of these clients? We spent a lot of time working with kids who had just been sentenced who were quite young, but also in what can we do for people who've been in as young people and have spent decades in prison? That population is so incredible. I mean, I've stood in court and had the privilege of saying to a judge, "These are people who were told they had a hopeless sentence. They were told they would die in prison. They had no hope of ever being in the situation they're in today, which is arguing to a parole board or to a court, that they should be allowed to leave prison, and yet they did tremendous things. They changed their lives. They founded a hospice group at the prison. They counseled each other through addiction. They taught themselves how to read. They saved the lives of correctional officers. They did amazing things for their family outside of prison." There's just nothing that I've seen that is more affirming of how even in the most challenging of situations people can change their lives. It's true change. It's not change because you think it's what you need to do to get a better result.

These guys had no chance, no hope, and yet they miraculously transformed their lives, and they did that, some of them, in prison environments that were violent and horrific and where everything around them told them that their life didn't matter, that they had no value, that they weren't human, and yet they did all of these things. One of the honors of my life has been standing up in court and representing these guys and saying to the courts, to the decision makers, "This is the embodiment of what we were talking about in these cases when we said kids have the capacity for change, for transformation and you cannot write off a child at 14, 15, 16. You don't know who that human being will become." It's remarkable what some of these guys have done with their lives, and what some of them have continued to do, having left prison. It's just, it really - it's incredibly humbling, I think to see that.

HANDOUT FIVE: **NARRATIVE MAP**

FOR LESSON FOUR: Organize your learning to reflect your impressions, insights, opinions, and questions about the essential question of this lesson, how EJI works strategically to end the harsh punishment of children in the criminal justice system.

STORYBOARD

A sequence of drawings, typically with some directions and dialogue that conveys their understanding of the lesson topic, and which may be then made into a graphic novel or film. Each of the squares represents a 'scene' of the story you want to tell. Give each box a title, choose a representative image, and write a sentence or two about the ideas and concepts this section of your overall story will communicate.

Scene Title:



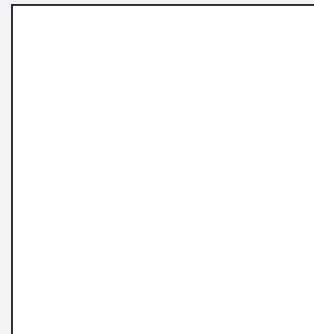
Description:

Scene Title:



Description:

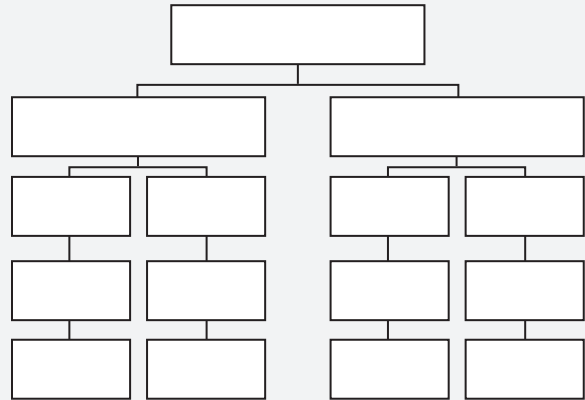
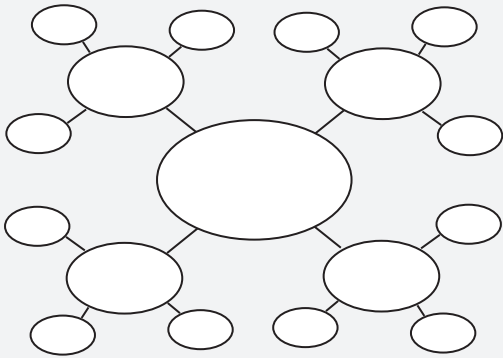
Scene Title:



Description:

GRAPHIC ORGANIZER

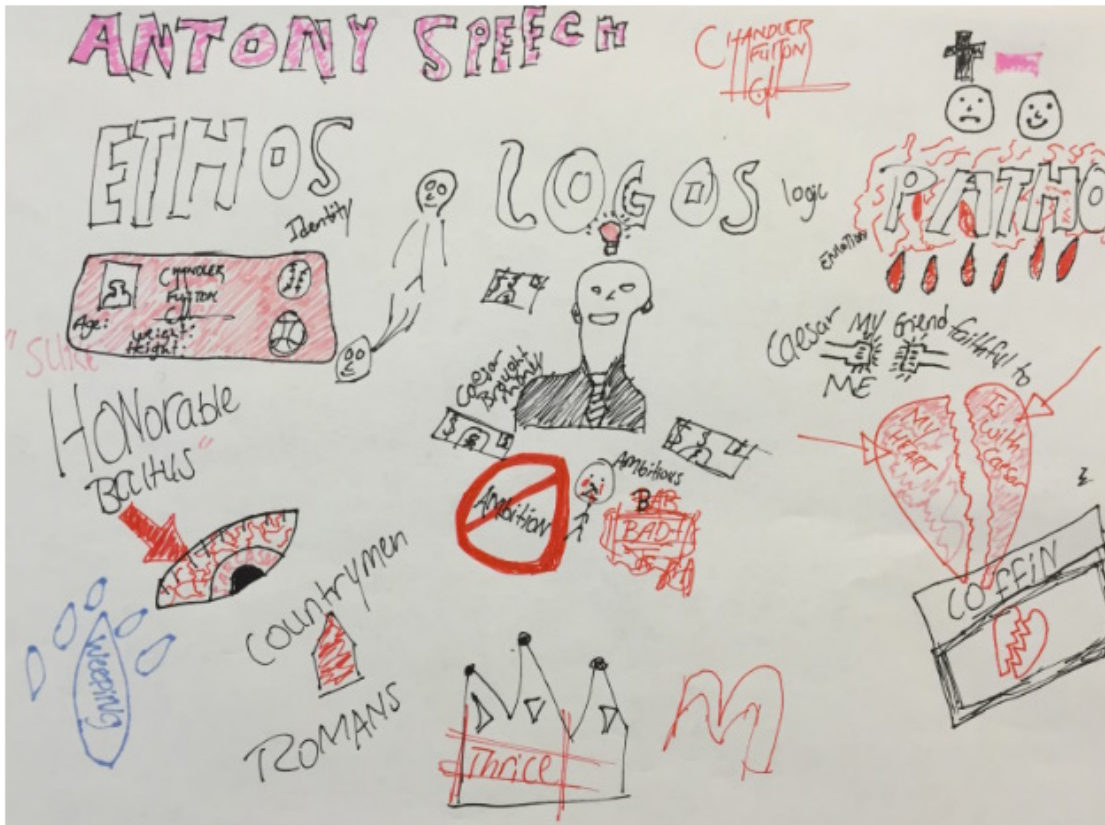
A visual method of organizing information that is sometimes called a mindmap, invites students to organize ideas and concepts in a non-linear, relational way using words and/or images.



Sample images from: <https://www.cultofpedagogy.com/graphic-organizer/>

SKETCHNOTE

Often referred to as doodling, sketchnoting is defined as creative, individualized note taking that uses a mix of words and pictures together to create a personal story or narrative.⁷



Sample Image from: <https://www.kqed.org/mindshift/39941/making-learning-visible-doodling-helps-memories-stick>