



**ROBERT F.
KENNEDY
HUMAN
RIGHTS**

SPEAK TRUTH TO POWER

**HUMAN RIGHTS
DEFENDERS WHO
ARE CHANGING
OUR WORLD**

**ANDREA JAMES AND BRYAN STEVENSON:
COMBATING CRIMINAL JUSTICE**

ANDREA JAMES

(SHE/HER/HERS)

“I DIDN’T THINK THERE WAS MUCH ANYBODY COULD TELL ME ABOUT HOW BROKEN AND IN NEED OF FIXING THE SYSTEM IS UNTIL I WALKED INTO THAT PRISON AS AN INCARCERATED WOMAN.”



Attorney Andrea James has been engaged with criminal justice issues since her days as a youth worker. She is the founder and executive director of Families for Justice as Healing, the founder of the National Council for Incarcerated and Formerly Incarcerated Women and Girls, a 2015 Soros Justice Fellow, and the author of *Upper Bunkies Unite: And Other Thoughts On the Politics of Mass Incarceration*.

In 2009, James was sentenced to serve 24 months in federal prison and was stunned at what she encountered when she entered the prison system as an incarcerated person. She has subsequently used her experience to change the narrative and raise awareness about the effect of the incarceration of women on children and communities.



BRYAN STEVENSON

(HE/HIM/HIS)

“EACH ONE OF US IS MORE THAN THE WORST THING WE’VE EVER DONE”

Bryan Stevenson is a public interest lawyer and social justice activist. He is a law professor at New York University School of Law and founder and executive director of the Equal Justice Initiative (EJI) in Montgomery, Alabama. Under his leadership, EJI has won major legal battles—eliminating excessive and unfair sentencing, exonerating innocent death row prisoners, confronting abuse of the incarcerated and the mentally ill, and helping children who have been prosecuted as adults. With his staff, he has won reversals, relief, or release for over 135 wrongly condemned prisoners on death row.

Stevenson has won numerous awards for his work including a MacArthur Foundation Fellowship (known as the “genius grant”), the American Bar Association Medal, the Martin Luther King Jr. Nonviolent Peace Prize, and the Distinguished Teaching Award from New York University.

As protesters across the nation call for an end to racial violence caused by policing, the need for a deeper investigation into our criminal justice system is more critical than ever. Andrea James and Bryan Stevenson give us hope that we will make progress.

CRIMINAL JUSTICE AND THE NEW JIM CROW

LESSON GRADE LEVELS 9 TO 12

JUSTICE, FAIR TREATMENT, DISCRIMINATION

UNIVERSAL DECLARATION OF HUMAN RIGHTS

- **ARTICLE 1:** Everyone is born free and equal in dignity and with rights.
- **ARTICLE 3:** Right to life, liberty, and personal security.
- **ARTICLE 6:** Right to recognition as a person before the law.
- **ARTICLE 9:** No one shall be subjected to arbitrary arrest, detention, or exile.

GUIDING QUESTIONS

- What is the new Jim Crow?
- How have drug, criminal justice, and economic policies contributed to institutional racism?
- How do Andrea James and Bryan Stevenson address discriminatory policies and practices through their work?

OBJECTIVES

By the end of the lesson, students will:

- Know who Andrea James and Bryan Stevenson are and why they are human rights defenders.
- Understand the issue of the new Jim Crow.
- Understand the connection between policies and the communities they affect, specifically economic, drug, and criminal justice policies.
- Examine the relationship between policy and institutional racism and the new Jim Crow.

CONCEPTS

- Justice
- Civil rights
- Economic rights
- Identity
- Power
- Decision-making

STUDENT SKILLS

- Critical analysis
- Compare and contrast
- Statistical analysis

VOCABULARY

- Jim Crow
- Mass incarceration
- Racial justice
- Economic justice
- Criminal justice system
- Racial caste

TECHNOLOGY REQUIRED

- Internet access

MATERIALS

- A copy of the Universal Declaration of Human Rights

ANTICIPATORY SET

UNDERSTANDING THE NEW JIM CROW

“More African Americans are under the control of the criminal justice system today—in prison or jail, on probation or parole—than were enslaved in 1850. Discrimination in housing, education, employment, and voting rights, which many Americans thought was wiped out by the civil rights laws of the 1960s, is now perfectly legal against anyone labeled a ‘felon.’ And since many more people of color than whites are made felons by the entire system of mass incarceration, racial discrimination remains as powerful as it was under slavery or under the post-slavery era of Jim Crow segregation.”

—FROM *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS*, BY MICHELLE ALEXANDER

- In small groups, ask students to consider the quote and respond to the following questions:
 - What are the defining characteristics of Jim Crow laws?
 - Who benefited under the Jim Crow laws?
 - Who suffered under the Jim Crow laws?
 - How were the laws ultimately overturned?
 - What are the defining characteristics of the new Jim Crow laws?
- Who benefits under the new Jim Crow laws?
- Who suffers under the new Jim Crow laws?
- Have each group report out and write findings on the flip chart.
- As a class, ask students to highlight the similarities and differences between the focus and impact of Jim Crow and the new Jim Crow.

STUDENT ACTIVITIES

ACTIVITY 1

- Policy analysis: Students will analyze criminal justice law and economic policies in two states.
- Ask students to research state policies and laws on the topics listed below, and report key findings:
 - Bail
 - Sentencing: mandatory minimums and death penalty
 - Education spending for incarcerated people
 - Parole and early release
 - Housing for the formerly incarcerated
 - Voting rights for people with criminal convictions
- As a class, discuss how students believe the above policies and laws do or do not contribute to the new Jim Crow.

ACTIVITY 2

- Statistical analysis: After learning about the above policies and laws, students will collect and present data in both graph and narrative form.
- Ask students to select one of the above topics and collect data related to how different populations are affected by the policy or law.
- Students will present findings in both graphic

and narrative form.

- Within the narrative, students will draw conclusions about underlying patterns and trends.

ACTIVITY 3

- Ask students to research the work of both Andrea James and Bryan Stevenson in pairs and answer the following questions:
 - How did their personal experiences continue into their current work?
 - What aspects of the new Jim Crow do they focus on?
 - What are the primary challenges they face?
 - How have they addressed the challenges?
 - Based on your research, what aspects of Andrea James' and Bryan Stevenson's work do you find consistent and inconsistent with what you have learned?
- Did you discover new information on criminal justice issues?

CULMINATING ACTIVITY

- Have students read the Universal Declaration of Human Rights and answer the following questions:
 - Does the new Jim Crow violate human rights as presented in the UDHR?
 - If the answer is yes, identify five human rights violations.
 - If the answer is no, explain why.
- Ask each student to write a letter to the editor of their local paper or to their state representative highlighting state policies and laws. The letters should address either how these policies and laws violate an individual's human rights and contribute to the new Jim Crow, and what needs to be done to advance basic fundamental human rights for all, or how they advance human rights but require consistent enforcement, acknowledging the good work at the state level and thanking the public officials who strive to advance human rights for all.



INTERNATIONAL HUMAN RIGHTS FRAMEWORK

Since the United Nations created the Universal Declaration of Human Rights (UDHR) in 1948, many other international documents have been drafted to develop these rights further. These documents include declarations and resolutions, as well as treaties—also called covenants or conventions. Countries commit to protecting the rights recognized in these documents. Sometimes a specific institution is created within the UN to monitor countries' compliance.

Here are examples of relevant international documents:

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

- **ARTICLE 2:** Right to be free from discrimination.
- **ARTICLE 7:** Prohibition of torture and of cruel, inhuman, or degrading treatment or punishment.
- **ARTICLE 9:** Right to liberty and security of person.

- **ARTICLE 16:** Right to recognition as a person before the law.
- **ARTICLE 10:** Humane treatment of persons deprived of liberty.
- **ARTICLE 14:** Right to equality before courts and tribunals and to fair trial.

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (CERD)

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)

CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

For more information, visit the Office of the High Commissioner for Human Rights' website: www.ohchr.org.

BECOMING A DEFENDER

- Both Andrea James and Bryan Stevenson have founded nonprofit organizations dedicated to ending mass incarceration in the United States. Andrea James founded Families for Justice as Healing and serves as the executive director of the National Council for Incarcerated and Formerly Incarcerated Women and Girls. Bryan Stevenson founded the Equal Justice Initiative. With the help of your classmates, organize a fundraiser to donate to these organizations.

- justiceashealing.org
- <https://www.nationalcouncil.us>
- <https://eji.org>

- Research statistics associated with mass incarceration in the United States. Create a pamphlet to educate your friends, classmates,

and family members who may not be familiar with the new Jim Crow and encourage them to take action.

- Write to your state representatives urging them to pass legislation that will reduce the incarcerated population and result in a fairer, more effective criminal legal system.
- If your state has such a law in place already, send a thank-you note to your government officials and ask them how the law is being implemented.
 - Remember, passage of a law is step one, and implementing the law is step two!
- Research local organizations within your community that serve the families of incarcerated people, and ask them how you and your classmates can help.

ADDITIONAL RESOURCES

EQUAL JUSTICE INITIATIVE

eji.org

Find out more about EJI and what it does, and access public educational materials to accompany the *Just Mercy* book and film.

FAMILIES FOR JUSTICE AS HEALING

justiceashealing.org/resources

Check Families for Justice and Healing's list of resources for information about criminal justice reform.

NATIONAL COUNCIL FOR INCARCERATED AND FORMERLY INCARCERATED WOMEN AND GIRLS

<https://www.nationalcouncil.us>

Learn more about how this organization is creating the shift from a criminal legal system to community-led human justice.

UPPER BUNKIES UNITE

bostonmagazine.com/arts-entertainment/blog/2013/09/10/oitnb-upper-bunkies-unite-goes-inside-prison

Read a review of Andrea James' book, *Upper Bunkies Unite*.

NPR INTERVIEW WITH BRYAN STEVENSON

npr.org/2014/10/20/356964925/one-lawyers-fight-for-youngblacks-and-just-mercy

Bryan Stevenson talks with *Fresh Air* host Terry Gross about wrongful convictions and his book, *Just Mercy*.

TED TALKS

ted.com/speakers/bryan_stevenson

Bryan Stevenson discusses injustice, civil rights, and freedom.

THE SENTENCING PROJECT

sentencingproject.org

This organization has been dedicated to creating a fair and productive justice system for the past 30 years.

PRISON REFORM ORGANIZATIONS

centerforprisonreform.org/prison-reform-organizations

The Center for Prison Reform maintains a list of organizations that help fight unfair prison systems.

EQUAL JUSTICE USA

ejusa.org

ejusa.org/wp-content/uploads/EJUSA-DP-factsheet-race.pdf

This organization is dedicated to healing justice, violence reduction, trauma-informed policing, repealing the death penalty, and racial equity.

THE MOVEMENT FOR BLACK LIVES

m4bl.org

In this space, Black organizations across the country can debate and discuss current political conditions; develop shared assessments of the political interventions needed to achieve key policy, cultural, and political wins; and convene organizational leadership in order to debate and co-create a shared movement-wide strategy.

LAW FOR BLACK LIVES

law4blacklives.org

This national community of radical lawyers and legal workers is committed to transforming the law and building the power of organizing to defend, protect, and advance Black liberation across the globe.

8 TO ABOLITION

8toabolition.com

This organization seeks to build toward a society without police or prisons, where communities are equipped to provide for their own safety and well-being.

PROJECT NIA

project-nia.org

To end the incarceration of children and young adults, this grassroots organization promotes restorative and transformative justice practices.

ARE PRISONS OBSOLETE?

theanarchistlibrary.org/library/angela-y-davis-are-prisonsobsolete

In this book, Angela Davis argues that the time for prisons is approaching an end and that “decarceration” will transform society as a whole.