



## LESSON

### Facts, Filmmaking and Feelings: The Role of Storytelling in the Justice System

#### OVERVIEW

From “stand-your-ground” and “open carry” laws to police shootings and responses to bullying, the legal limits of self-defense have never been fuzzier. Sensationalized media reports further confuse and complicate the issues. Students’ interpretations of the controversies have real-life consequences, especially for young people of color.

This lesson uses media analysis, group discussion and persuasive writing to help students make sense of the legal reality. They’ll sort through stereotypes and prejudices as they examine the role of storytelling in the legal system. This in-depth exploration will focus on a single case as it is presented in the documentary *Out in the Night*. The film looks at a 2006 case in which a group of young, low-income, African-American lesbians were accused of gang assault and attempted murder.

POV offers a lending library of DVDs that you can borrow anytime during the school year—FOR FREE! Get started by joining our [Community Network](#).

#### OBJECTIVES

By the end of this lesson, students will:

- Know the legal definition of “self-defense” in their state.
- Understand that stereotypes, prejudices and discrimination influence the way the law is applied.
- See at least three different presentations of the same evidence and consider how each influences the way they think about guilt and innocence.
- Discuss the influence of media reporting on criminal prosecution.
- See an example of real-life consequences of homophobia, racism and sexism (including the common practice of men “cat-calling” or verbally harassing women on the street).
- Write short, persuasive essays.
- Practice note taking.

**GRADE LEVELS:** 10-12

#### SUBJECT AREAS

Anti-bias Education	Law
Civics/Government	Media Literacy
Current Events/News Literacy	Multicultural Education
Gender, LGBTQ and Women’s Studies	Social Studies

#### MATERIALS

- Film clips and equipment on which to show them
- Your state’s legal definition of “self-defense”

## **ESTIMATED TIME NEEDED**

Approximately 90 minutes.

## **A NOTE TO TEACHERS**

This film contains mature content. If you suspect that parents/guardians might be concerned about the subject matter, you may want to send home a note prior to the lesson explaining that students will view clips with mature content, and will also examine a legal case involving a group of lesbians who were accused of assault. You can make it clear that the lesson is not about sex and does not ask students to adhere to any particular view of LGBTQ rights. Rather, the focus is on the meaning of the legal concept of “self-defense,” and the effects of stereotypes, beliefs and choices made by prosecutors and reporters about the way they present a case. Invite family members to connect home with school by asking what the students learned and sharing their own views.

## **FILM CLIPS**

Video clips provided with this lesson are from *Out in the Night*.

### **Clip 1: “The First Telling: The Participants” (4:35 min.)**

*Note: This clip contains strong language and mature content.*

The clip begins at approximately 08:15 with Renata Hill explaining, “That night we didn’t really have a destination.” It ends at 12:50 with her saying, “I was scared, but I was laughing and joking and basically trying to comfort the rest of the girls.”

*This version of events is told directly by the defendants and also, via trial transcript, in the words of the man involved.*

### **Clip 2: “The Second Telling: The News” (3:30 min.)**

The clip begins at 15:45 with a news anchor saying, “A 28-year-old man is recovering this morning...” and ends at approximately 19:15 with Renata Hill denying that she has ever been a gang member.

*This clip focuses on the way various media sources reported the event.*

### **Clip 3: “The Third Telling: The Videotape” (4 min.)**

The clip begins at 19:55 with this text on screen: “The IFC movie theater has five security cameras.” It ends at 23:55 with this text on the screen: “The whole incident lasts four minutes.”

*This version of events consists of video from surveillance cameras with commentary by lawyers and voice-over reading from trial transcripts.*

### **Clip 4a: “Injury According to the Prosecution” (1:17 min.)**

The clip begins at approximately 24:25 with reporter Laura Italiano saying, “At that point, myself and other members of the press were getting a fuller picture of his views,” and ends at 25:43 with her noting, “His liver and his stomach had been lacerated.”

### **Clip 4b: “Injury According to the Defense” (1:55 min.)**

The clip begins at 47:50 with a slate that says, “Police Radio Not used in court trial.” It ends at 49:45 with the animation of the knife wound labeled, “This is the knife wound.”

*These two clips demonstrate the presentation of “facts” in an adversarial court system and the way each side depicts the same events differently.*

### **Clip 5: “Self Defense” (1:05)**

The clip begins at 36:35 with Reva McEachern saying, “The only people who have been considered the villains...” and ends at 37:40 with Susan Tipograph talking about the “cumulative effect.”

*The women in this clip raise the issue of which people are and aren’t allowed to defend themselves.*

## **ACTIVITY**

### **1. Introduce Self-Defense**

Ask students what they know about the legal doctrine of self-defense. Use probing questions that help students consider how the issue shows up in their own lives (e.g., “If a person disrespects you, can you hit him or her?”). You might also ask if they know of any cases in the news recently where self-defense was asserted and whether the defendant was acquitted based on the claim. Continue the discussion until everyone understands the basic parameters of self-defense:

Generally a person may use reasonable force when it appears reasonably necessary to prevent an impending injury. A person using force in self-defense should use only so much force as is required to repel the attack. As a matter of public policy, the physical force or violence associated with self-defense is considered an acceptable response to aggression. <http://legal-dictionary.thefreedictionary.com/Self-Defense>

Some aspects of the law, such as whether a person must try to escape before resorting to violent self-defense, or whether a person is permitted to stand his or her ground, vary by state. Let your students know (or, if time allows, let them research) what the specific terms are in your state.

### **2. Introduce the Film and the Task**

Explain that students are going to look at a case in which a claim of self-defense plays out in real life. They are going to view, analyze and discuss a series of clips from a documentary called ***Out in the Night***. The film is about a 2006 case in which a group of young women from Newark, New Jersey were charged with assault, gang assault and attempted murder.

Their task will be to decide whether the claim of self-defense was justified *and* how the evidence was presented and how the presentation influenced their thinking. To help with that task, they will be taking notes. Instruct them to divide their notes into three sections as they write:

- Facts: Key factual evidence
- Filmmaking: Techniques used by the maker of the documentary to influence how the viewer interprets the evidence
- Feelings: How the clips made them feel, including references to specific techniques employed by journalists, lawyers or the filmmaker that evoked those emotions

Note: Advanced students should be able to apply all three areas to all clips. Less experienced students might be asked to note facts in **Clip 1**, filmmaking in **Clip 2** and feelings in **Clip 3**.

Students will take notes individually, but they will discuss each clip in small groups. In order for that discussion to begin immediately following viewing, divide the class into small groups before you start the first clip.

### **3. Clip 1**

Show the first clip. In the follow-up discussion, invite students to share their notes, along with their initial impressions about whether this was a case of justifiable self-defense. Listen in on group discussions and make a mental note of any important ancillary issues that come up (e.g., the notion of being “disrespected as a man” or responses to street harassment). So as not to take too much time between clips, save these issues for later full-class discussion.

### **4. Clip 2**

Repeat the viewing and discussion process. This time, ask students if their initial conclusions about self-defense changed or were affirmed. Also, invite students to begin noticing patterns in their notes: Did everyone in the group pay attention to the same things? What did others notice that they did not and vice versa?

### **5. Clip 3**

Repeat the viewing and discussion process. Invite students to pay special attention to any differences in their notes or conclusions for each of the three presentations of the story.

### **6. Clips 4a and 4b**

For these clips, reconvene as a full class rather than in small groups. Prior to showing the next clips, ask members of the full group what they’ve noticed so far and what they’ve learned about how variations in storytelling influence viewers’ opinions and how they might influence what jurors think as well. Point out that our adversarial court system is designed to have jurors hear at least two different versions of events.

Show both clips. Invite students to share their initial reactions. Ask them to imagine that they are jurors in this case. How would they determine which version of events they believed? What evidence is most convincing and why?

Segue into a discussion of the important ancillary issues that arose during small-group discussions by asking, “What did you learn about the ways in which personal beliefs about things like race, economic status, gender and sexual orientation influence interpretations of evidence?” or “Do you think the case would have been prosecuted or covered differently if the young women were not black or were not lesbians?” Then take some time to allow students to discuss and process key issues that arose for them in connection with this case (e.g., Have they ever been falsely accused of something or verbally harassed on the street?).

### **7. Assessment**

Allow students time to reflect and synthesize by returning to their notes. Have them summarize the most important observations they made in each of the three areas (Facts, Filmmaking, Feelings). You can collect these summaries and use them to evaluate what students learned from the exercise.

## 8. Clip 5 and Wrap-Up

This final step returns to the question of self-defense. As homework, assign each student to write a persuasive essay arguing either for or against acquittal for the women in the film on the basis of self-defense (or, if you want to be creative or add speaking skills, have them craft and deliver mock closing statements either as the defense or as the prosecution). Be sure they include the legal definition of self-defense in their essays and illustrate their positions with specific evidence. In light of what they learned about how presentation relates to interpretation, invite them to pay special attention to the way they frame the case.

As a prompt for their essay writing, play and discuss **Clip 5**.

## EXTENSIONS

1. Investigate reports of cases in which stand-your-ground was used as a defense. Analyze how the race and gender of those involved may have played into the verdict.
2. Debate whether or not the permissibility of lethal self-defense is different for police officers than for civilians.
3. Write a school policy on permissible ways to defend oneself from bullies.
4. Find an organization in your community that works to end gay bashing and homophobia and volunteer to help.
5. Become a media watchdog that challenges journalists whose reporting is more inflammatory than informative on issues related to race, sexuality, gender or youth.
6. Engage your class in a discussion about safety and ways to prevent unsafe situations. Have students break into small groups and have groups develop game plans to employ if they find themselves in an unsafe situation, then share and discuss their plans with the class as a whole. Introduce students to the Circle of 6 app ([www.circleof6app.com/](http://www.circleof6app.com/)), a free app that connects users with friends to stay close, stay safe and prevent violence before it happens. As a homework assignment, have each student identify six people he or she can reach out to if in an unsafe situation, then share the game plan with those and ask them to join the student's "Circle of 6."

## RESOURCES

### *Out in the Night*

You can find links to additional resources on the Take Action page at the film's website [www.outinthenight.com/take-action](http://www.outinthenight.com/take-action) and on its POV website [www.pbs.org/pov/outinthenight/](http://www.pbs.org/pov/outinthenight/). The POV site includes a general discussion guide with additional activity ideas.

### **POV: Media Literacy Questions for Analyzing POV Films**

<http://www.pbs.org/pov/educators/media-literacy.php>

This list of questions provides a useful starting point for leading rich discussions that challenge students to think critically about documentaries.

### **Anti-Violence Project**

<http://www.avp.org/resources/reports> - This organization works to end violence toward lesbian, gay, bisexual, transgender, queer and HIV-affected communities and allies and has published a number of reports on violence against LGBTQ individuals and communities.

### **Circle of 6 App**

[www.circleof6app.com/](http://www.circleof6app.com/) – Circle of 6 connects users with friends to stay close, stay safe and prevent violence before it happens. Winner of the White House Apps Against Abuse Technology, with more than 300,000 users in 36 countries and versions customized for colleges and cities.

### **FIERCE**

<http://fiercencyc.org/> - Mentioned in the film, though not in the clips included in the lesson, this youth-led organization builds the leadership, political consciousness and organizing skills of LGBTQ youth. It also organizes local grassroots campaigns in New York City to advocate for healthy police-community relations and fight for increased access to safe public space for LGBTQ youth.

### **GLAAD**

[www.GLAAD.org](http://www.GLAAD.org) – This LGBT media advocacy organization provides a wide range of resources to counter inaccurate, negative and stereotyped media portrayals of LGBT people.

### **Society of Professional Journalists Code of Ethics**

[www.spj.org/ethicscode.asp](http://www.spj.org/ethicscode.asp) - This group provides basic ethical principles to guide reporters' work. Also helpful is the Poynter Truth & Trust in Media site: <http://ethics.poynter.org/>.

### **Stop Street Harassment**

[www.stopstreetharassment.org](http://www.stopstreetharassment.org) – This advocacy group suggests action strategies and provides valuable background information, such as definitions and statistics.

## **STANDARDS**

### **Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects**

([http://www.corestandards.org/assets/CCSSI\\_ELA%20Standards.pdf](http://www.corestandards.org/assets/CCSSI_ELA%20Standards.pdf))

**SL.11-12.1** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups and teacher-led) with diverse partners on grades 11–12 topics, texts and issues, building on others' ideas and expressing their own clearly and persuasively.

**SL.11-12.2** Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

**SL.11-12.3** Evaluate a speaker's point of view, reasoning and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis and tone used.

[SL.11-12.4](#) Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed and the organization, development, substance and style are appropriate to purpose, audience and a range of formal and informal tasks.

[SL.11-12.6](#) Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.

[W.9-10.1](#), [11-12.1](#) Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

[W.9-10.2d](#) Use precise language and domain-specific vocabulary to manage the complexity of the topic.

[W.11-12.2d](#) Use precise language, domain-specific vocabulary and techniques such as metaphor, simile and analogy to manage the complexity of the topic.

[W.9-10.4](#), [11-12.4](#) Produce clear and coherent writing in which the development, organization and style are appropriate to task, purpose and audience.

**Content Knowledge:** (<http://www.mcrel.org/standards-benchmarks/>) a compilation of content standards and benchmarks for K-12 curriculum by McRel (Mid-continent Research for Education and Learning).

Language Arts, Standard 1: Uses the general skills and strategies of the writing process.

Language Arts, Standard 2: Uses the stylistic and rhetorical aspects of writing.

Language Arts, Standard 8: Uses listening and speaking strategies for different purposes.

Language Arts, Standard 9: Uses viewing skills and strategies to understand and interpret visual media.

### [NCSS C3 Social Studies Standards](#)

#### Dimension 1: Developing Questions and Planning Inquiries

D1.2.9-12. Explain points of agreement and disagreement experts have about interpretations and applications of disciplinary concepts and ideas associated with a compelling question.

#### Dimension 2: Applying Disciplinary Concepts and Tools

##### Civics

D2.Civ.9.9-12. Use appropriate deliberative processes in multiple settings.

D2.Civ.10.9-12. Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights and human rights.

D2.Civ.13.9-12. Evaluate public policies in terms of intended and unintended outcomes, and related consequences.

D2.Civ.14.9-12. Analyze historical, contemporary and emerging means of changing societies, promoting the common good and protecting rights.

#### Dimension 3: Evaluating Sources and Using Evidence

D3.3.9-12. Identify evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence in order to revise or strengthen claims.

D3.4.9-12. Refine claims and counterclaims attending to precision, significance and knowledge conveyed through the claim while pointing out the strengths and limitations of both.

#### Dimension 4: Communicating Conclusions and Taking Informed Action

D4.1.9-12. Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.

D4.2.9-12. Construct explanations using sound reasoning, correct sequence (linear or non-linear), examples and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanation given its purpose (e.g., cause and effect, chronological, procedural, technical).

D4.4.9-12. Critique the use of claims and evidence in arguments for credibility.

D4.5.9-12. Critique the use of the reasoning, sequencing and supporting details of explanations.

#### **ABOUT THE AUTHOR**

Faith Rogow, Ph.D., is the co-author of *The Teacher's Guide to Media Literacy: Critical Thinking in a Multimedia World* (Corwin, 2012) and was past president of the National Association for Media Literacy Education. She has written discussion guides and lesson plans for more than 250 independent films