

AN ANALYSIS OF DUVERNAY'S "WHEN THEY SEE US" THROUGH THE  
LENS OF CRITICAL RACE THEORY

by

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## ABSTRACT

The film series, *When They See Us*, has been the most popular four part mini-series on Netflix since its release in 2019. It was produced and directed by Ava DuVernay and it touches upon true events that happened in 1989 at Central Park. The series presents the story of five black and brown boys and their brutal experiences in the hands of the American justice system. Kevin Richardson, Korey Wise, Raymond Santana, Yusef Salam, and Antron McCray were all fourteen to sixteen years old when they were accused of raping and brutalizing Trisha Meili at Central Park. DuVernay crafts scenes that are raw and horrifying but points to the lived experiences of people of color in America. The purpose of this thesis was to explore Ava DuVernay's movie, *When They See Us* and its portrayal of the bias nature of the criminal justice system in America against people of color. This study sought to explore the connection of microaggressions and racism to police brutality against people of color in the United States. By using both critical race theory and standpoint theory, the study analyzes the experiences of the men of color in the movie as it relates to racism and judicial inequality, and how this directly reflects the experiences of people of color within the American society. Through the analysis of the film, the study found that stereotypes and implicit bias lead to people of color being discriminated against and brutalized by the American justice system at a disproportionate rate. The study also touches on the importance of the unique voice of color and how important education is to people of color in fighting the racism and stereotypes against them in society.

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## CHAPTER I

### INTRODUCTION

The movie series *When They See Us* by Ava DuVernay draws essence from its rawness and realness. This movie is based on a true story as it explored the lived experiences of five black and brown boys and their ordeal in the hands of the American justice system. The movie explored several themes especially that of racism and police brutality. Ijeoma Oluo, author of the *New York Times* best seller *So You Want To Talk About Race*, stated that “our police force was not created to serve black Americans; it was created to police black Americans and serve white Americans” (Oluo, 2019). This commentary caused a lot of dispute in the American society when Ijeoma uttered it at a writers’ conference in New York, as many critics claimed that they could poke many holes in her statement that could render it invalid. Today, there are many more commentaries like this that touch on systemic racism, police brutality, and judicial inequality that the person of color who live in America face on a daily basis (Staddon, 2019). While many Americans holding extreme conservative ideologies also known as the far right refute the claims that racism still exists, many others on the far left believe that not only does racism still exist, it has seeped deep down to different parts of society. These people holding liberal ideologies also believe that the issue of police brutality against people of color in the United States, is a byproduct of racism and implicit bias (Lance, 2015). In the current study, I employ critical race theory to analyze how the filmmaker, Ava DuVernay, create a lens that allows the viewer to peek into the lived experiences of people of color and their

struggles, especially as it relates to judicial injustices, in a prejudiced society. While it is apparent that we are making significant progress as a society when it comes to the issues of racism and discrimination, many believe that the threat that racism and discrimination posed is far from over as select groups of society still live in the reality of the aftermath of history (Samana, 2019). Activists and scholars today amplify the voices of the ordinary masses as they cry out against racism and police brutality in society (Skinner, 2016). Songs like *A Change is Gonna Come* and books like *The Color of Law* have been written over the decade in a bid to start a discourse and end this societal issue of racism and its byproducts (Finnegan, 2014). Filmmakers have also over the years, made movies that touch on this sensitive issue of racism and discrimination against people of color in the United States (Spangler, 2019). It is a continuous campaign for equality, and a fight for equal rights. Furthermore, many of these movies tend to portray how the system works and has been working against the person of color. These movies spark awareness and discussions that would hopefully spiral into action that would bring about a positive change within society (Spangler, 2019).

Due to the prominent impact of movies on challenging racism, it is important to explore movie narratives from a critical perspective. Among the various movies that center on racism, I choose to study *When They See Us*. This movie by Ava Duvernay explores the lives of five teenagers of color. These young boys who were victims of police brutality, were wrongfully convicted of a crime in 1989 (Henderson, 2019). They were accused of brutally raping 28-year-old Trisha Meili and were sentenced to fourteen years imprisonment. It was not until the real criminal confessed that the Central Park Five, as they are popularly called, were released in 2002 (Spangler, 2019).

This chapter gives a brief description of relevant plotlines and characters in *When They See Us*. Following the description of the artifact, I explain the basis for using critical race theory as a lens to be used in this study. The introduction concludes with my indication of the methodology I used for analysis.

### **Rationale**

The purpose of this study was to explore Ava DuVernay's movie, *When They See Us* and its portrayal of the biased nature of the criminal justice system in America against people of color. This study also sought to explore the connection of microaggressions and racism to police brutality against people of color in the United States. This study is important as it explores relevant issues that are present and happening in the world. The issue of race, racism, and its byproducts (police brutality and systemic racism) are historical issues which have plagued society for a long time now. These issues deserve to be intensively discussed by critics and scholars and the roots of this problem, researched to start various discourses.

*When They See Us* sparks discourses that mimic reality and the struggles that the person of color faces on a daily. I use critical race theory to explore some of these struggles that the person of color face, especially as it relates to police brutality, microaggression, and systemic racism. The analysis presents the readers a lens through which they can view the struggles of people of color and especially how judicial injustices against them are being portrayed in movies. Building upon the field of research present on police brutality and racism in America, this research provides more insight into systemic racism and especially the connection of microaggression to police brutality in the United States. Furthermore, my research adds to the ever-growing body of research on how the issue of police brutality and racism are being presented in movies and film series.

## **Description of Artifact**

*When They See Us* has been the most watched show in the United States since its release in May 2019 (Spangler, 2019). The Netflix original four-episode miniseries touched on the actual lived experiences of five black and brown boys from 1989 when they were accused of rape and jailed to 2002 when they were released. Created, directed, and co-written by Academy Award nominee and Emmy winner, Ava DuVernay and produced by Oprah Winfrey, Jeff Skoll, Jonathan King, Jane Rosenthal, Berry Welsh, and Ava DuVernay, the movie series has gained international views while also making millions of dollars through daily streaming by viewers and subscribers both in the United States and across the globe (Spangler, 2019). Ava DuVernay's four-part miniseries about the exonerated five was nominated for sixteen awards at the 2019 Primetime Emmy Awards, spread across acting, directing, writing and Outstanding Limited Series (Neetha, 2019). The movie series was nominated for Outstanding Limited Series, Outstanding Writing for a Limited Series, Movie or Dramatic Special, Outstanding Directing for a Limited Series, Movie or Dramatic Special, Outstanding Casting for a Limited Series, and multiple nominations across the four awards for acting which includes lead actor, lead actress, supporting actor, and supporting actress in a limited series or movie (Neetha, 2019). Jharrel Jerome was nominated for the category of Lead Actor for his heartbreaking performance as Korey Wise and won the award (Aharon, 2019). In the category of Outstanding Supporting Actor in a Limited Series or Movie, three actors from the show were nominated: Asante Blackk, John Leguizamo and Michael K. Williams (Neetha, 2019). The series was also nominated for multiple Creative Emmy awards as well including casting, cinematography, music composition, sound editing and sound mixing (Luca, 2019).

*When They See Us* is based upon real events as it covers the 1989 Central Park jogger case and explores the lives of five suspects who were victims of police brutality and were wrongfully prosecuted for sexually assaulting twenty-eight-year-old Trisha Meili (Alexander Templar) (Hans, 2019). The five black and brown boys, Kevin Richardson (Asante Blackk), Korey Wise (Jharrel Jerome), Antron McCray (Caleel Harris), Yusef Salaam (Ethan Herisse), and Raymond Santana (Marquis Rodeiguez) were only fourteen years old with Korey Wise being the oldest at sixteen when they were all convicted of the crime (Giorgis, 2019). Armed with coerced confessions that did not have consistent details of the crime, the press and the prosecutors in New York City convicted the Central Park Five boys as they are popularly known, sentencing them to about fourteen years in prison which they all fully served (Hans, 2019). While the NYPD harassed and terrorized these minors, the actual criminal walked undisturbed through Central Park wearing a shirt drenched in his victim's blood (Henderson, 2019). It would take about fourteen years for Mattais Reis (Reece Noi), the actual criminal, to come out and confess to his crimes, coupled with DNA evidence, for the Central Park Five to be exonerated from all criminal charges and released from prison (Marriska, 2019).

Throughout the movie series, Ava DuVernay highlights the issue of racism and microaggressions and the stereotype that people of color have been faced with for a very long time (Luca, 2019). People of color are seen as gangsters, criminals, problematic, intimidating, and downright rebellious (Donaldson, 2015). Linda Fairstein (Felicity Huffman) a crime novelist who runs the sex crime unit of NYC district attorney's office upon seeing the boys in the part one of the movie said, "these boys are animals" (DuVernay, 2019, Episode 1, 20:07). The movie series started with the events of April 19, 1989, when investment banker Trisha Meilli was brutally

raped and left for dead in the north woods of Central Park and ended in 2002 with the sentences of the five men being vindicated after Matias Reyes confessed to the crime (Marriska, 2019). DuVernay also shines a bright light on the extreme police brutality that the person of color faces daily.

The story of the Central Park Five was masterfully told by Ava DuVernay in a four-episode limited series. In episode one part one, viewers meet the boys at one time. The narrative opens up with different shots of how these boys, Korey, Yusef, Antron, Raymond and Kevin, lived a normal life with their families as young teenagers in the projects of Harlem. Korey is shown at school talking to his girlfriend about skipping school and getting food later on in the day. Antron is shown having breakfast with his dad as they excitedly talked about football. The first glimpse of Kevin is him strolling down the streets of Harlem with his sister as he hugs her goodbye and dashes off to catch the bus to school. Lastly, Yusef and Raymond are shown walking down the street as they talked loudly, amidst giggles, about how “lit” the party at Central Park later on that evening was going to be. The supposedly slow narrative which had a sense of normalcy to it, took a sharp turn as many young boys at the Central Park were later that night, rounded up by the police (DuVernay, 2019). A nearly lifeless body of a white female jogger has been discovered in the northern section of Central Park on the same night, April 18, 1989, that a group of teenagers from Harlem went running down the East Drive, harassing bicyclists and creating a sense of mayhem, and this drove Linda Fairstein (a crime novelist who runs the Sex Crimes unit of the NYC District Attorney’s office) to connect the two events (Robert, 2019). She mobilized the police to drive into the park and round up whomever they could. The viewers see that under Fairstein’s command, every black and brown boy present at the park on the night of the rape were rounded up and brought in for

questioning by the police (Marriska, 2019). “You go into those projects, and you stop every little thug you see,” commands Fairstein (DuVernay, 2019, Episode 1, 20:24). That was how cops found Yusef Salaam and Korey Wise, with Wise volunteering to accompany Salaam to the precinct even though his name was not on any official NYPD suspect list.

The story progresses with Fairstein angrily screaming out that the boys were guilty. “There are not witnesses, they are suspects,” she says, before any evidence has been collected or a single question has been asked (DuVernay, 2019, Episode 1, 16:47). Fairstein had already constructed a narrative of how the crime was committed in her mind, and the possible set of people that were responsible for this crime (Robert, 2019). During the rounding up, one of the boys, 14-year old Kevin Richardson (Asante Blackk), is punched in the head with a helmet by a cop who spits out “I said stop you little animal!” as Kevin passes out from the heavy blow (DuVernay, 2019, Episode 1, 07:20). When Fairstein sets eyes on Kevin in the police station, she asks, “What happened to that one?” The police and her, Fairstein, quickly came up with a lie that would fit right into the narrative that they constructed, where Kevin is one of the perpetrators of the crime against Trisha Meili, and the wound on his head was from when she was trying to fight him off (DuVernay, 2019).

So forceful is the narrative Fairstein has constructed in her head that at no time does she allow any of these minors a shred of humanity, even when confronted by Sharonne Salaam, the mother of one of the suspects, Yusef Salaam, who swoops into the 24th precinct to collect her son after the cops have coerced a dictated and taped confession from him (Robert, 2019). DuVernay meticulously and mercilessly shows how NYPD detectives played one boy against the other, promising them that they could go home to their parents. The boys were all routinely, over an extended period

of time, questioned without the presence of their parents or an adult, and without any food or water (Marriska, 2019).

The most compelling event of the day was when Antron McCray's father told him to lie and to confess to a crime he did not commit because he feared the police would kill his son if he did not comply. "Don't you understand boy? They are going to kill you, tell them what they need to hear" (DuVernay, 2019, Episode 1, 33:44). While Episode One, Part One focuses on the night of the arrest and the questionings that ensued, Part Two gives the audience a ringside seat at the courtroom six months later when Elizabeth Lederer (prosecutor), handpicked by Fairstein, presented her shoddy case against the young boys (Robert, 2019). The boys have individual lawyers with experience levels that range from amateur to professional, but even these men, played by Joshua Jackson, Blair Underwood and Christopher Jackson, do a more convincing job of detailing the state's lack of physical evidence (Robert, 2019). Lederer seeing how pathetic the case was against the Central Park Five, punches holes in Fairstein's strategy and even went ahead to tell her that she was "delusional" yet, rather than recuse herself from the case, Lederer presses on, shamelessly pandering to the jury when it is revealed that DNA found on a sock at the crime scene does not match that of the boys. "Just because there is DNA evidence that someone else was present at the crime scene doesn't mean that these defendants are innocent," she seethes (DuVernay, 2019, 1:05:01). "They can still all be guilty of rape under the law. If they did nothing to stop her agony, then they are all guilty" (DuVernay, 2019, 1:05:03). Parts Three and Four of *When They See Us*, focuses on the brutal experiences of the four minors as they went through juvenile detention, and Korey Wise's horrific and near-death experiences as he does time in an adult jail at Rikers (Marriska, 2019).

*When They See Us* has had mixed reviews since its release in 2019. Critic, Odie Henderson had this to say about the movie series: “This is a lot to cover and DuVernay and her co-writers craft scenes that are horrifying, upsetting and infuriating” (Henderson, 2019). Henderson also goes further to say that there were moments in the movie that felt rushed especially in the fourth episode “but even as its most flawed, *When They See Us* never loses sight of its thesis statement that black and brown people are presumed guilty at all times even by white liberals who pretend otherwise” (Henderson, 2019). Aharon (2019) notes that *When They See Us* may not be gory, but it captures “the pain, the confusion, the naiveness and the helplessness of the main actors brilliantly” (p. 1). Aharon (2019) also goes further to say that “the final sequence is so antagonizing and unsparing that it becomes difficult to watch even if it means that the five finally get their freedom.” Critic, Marriska (2019) giving her view, posits that *When They See Us* is very significant in our society today as it captures the powerful story of teenagers who did not stand a chance against a fractured society infected with racism and deep segregation. Marriska (2019) also gives an interesting perspective by stating that the issues presented in the movie series *When They See Us* are still very evident and relevant today as the person of color constantly fears for their lives as they battle against police brutality and racism. The plotline of *When They See Us* provides a lens through which the audience can view how Ava DuVernay through storytelling, used some rhetorical elements to present the issues of racism and judicial injustices that people of color are faced with in the American society.

### **Critical Race Theory**

My theoretical framework relies on Critical Race Theory (CRT). CRT examines society and culture as they relate to categorization of race, law, and power

(Delgado & Stefancic, 2001). Like most critical theories, CRT is oriented towards critiquing and changing society in contrast to traditional theory oriented towards understanding or explaining it (Delgado & Stefancic, 2001). CRT encompasses a broad social scientific approach to the study of race, racism, and society (Bonilla-Silva, 2015). CRT was propounded in 1989 and it posits that race instead of being biologically grounded and natural is a result of social constructs and that race as a socially constructed concept functions to maintain the interest of white population that constructed it (Curry, 2019). Alan Freeman and Derrick Bell crafted this critical theory as a way to challenge common legal practices that the two felt were slowing down the process for racial reform (Bonilla-Silva, 2015). Many critical race theorists through their works: books, articles, movies, and songs, have sought to critique the power imbalance and racism within society while also helping to start a discourse that would spark some sort of change for the better (Delgado & Stefancic, 2001).

Critical race theory posits that racial inequality emerges from the social, economic, and legal differences that the Whites create between races to maintain elite white interest in labor markets and politics as such create the circumstances that give rise to poverty and criminality in many minority communities (Curry, 2019). The movie *When They See Us* carefully fleshed out the huge disparity between the whites and blacks of society, and the legal power play that one race have over the other (Robert, 2019). The movie also touched on systemic racism as it takes the viewer through the lives of incarcerated black men and how this incarceration would forever impact the lives of these men, and even that of their generations to come (Marriska, 2019). The critical race theorist seeks to critique the workings of the society as it relates to power play, race, and racism (Curry, 2019). CRT looks beyond the gross violation of civil rights or instances of racial discriminations and tries to focus on the

subtle racial nuances that combine to make up the milieu of civil rights violations in everyday life (Moose, 2016). These subtle nuances are termed micro-aggressions, and critical race theorists believe that it is the micro-aggressions that reveal the true extent of racism in the United States (Moose, 2016).

CRT scholars hold that the federal and judicial laws and policies in the United States are biased against people of color and they have focused their scholarship on demonstrating the ways in which the legal institutions support that bias (Curry, 2019). CRT offers an invaluable set of literature for scholars of race and society to engage with. As a critical theory, it encourages scholars to appreciate how races are constructed into hierarchies, with societal resources distributed unequally across this hierarchy (Meghji, 2019). In a time often declared as post-racial, critical race theory reminds us that race penetrates every aspect of our public and private lives. It may not always be the single determining factor of a given inequality, nor even the most important one, but race is fundamental to understanding current regimes of inequality, and that analysis of inequality and its inverse privilege and domination, are incomplete without a systematic discussion of race and its systematic nature (Meghji, 2019).

There are several tenets to critical race theory but I utilized six of these tenets for this study: Endemic racism, interest convergence, intersectionality/anti-essentiality, social construction, differential racialization, and unique voice of color (Hiraldo, 2010). One of the other main tenets that I use from CRT is the incorporation of the permanence of racism and storytelling/counter-storytelling. The permanence of racism asserts that racism controls the political, social, and economic realms of American society. This tenet also posits that racism is an inherent part of society and the reality of the world that we live in (Hiraldo, 2010). Storytelling/counter-

storytelling provides people of color a voice to tell their narrative and their marginalized experiences (Hiraldo, 2010). Although racism is a part of society where many people of color are being discriminated against, stereotyped, and marginalized, nothing stops them, people of color, from telling their true stories and countering the narrative that has been constructed for them by society prior to now (Hiraldo, 2010). In this study, I examine police brutality and racism from the perspective of a filmmaker, Ava DuVernay, and how she through storytelling, presents the day to day horrific lived experiences of people of color in a prejudiced society. Grounded in CRT, I propose the following overarching research question:

RQ1: How are the concepts of Critical Race Theory reflected in *When They See Us*?

### **Summary**

The first chapter of my thesis examined the problem and provided the rationale for my study. I described the artifact I am analyzing and why it is worthy of analysis. In this chapter, I also indicated my theoretical focus and the methodology in which I employed in analyzing my artifact.

Chapter Two includes a literature review of existing police brutality, racism, microaggression, implicit bias, and systemic racism research. This chapter also cites prior studies about how other filmmakers explored the themes of police brutality and racism against people of color in America. Chapter Three explains my methodological approach.

In Chapter Four, I analyze ideographs of police brutality and racism in *When They See Us* focusing on the events and happenings, surrounding the lives of the Central Park Five. Lastly, Chapter Five includes a discussion of my findings, limitations of my study, and implications for future research.

## CHAPTER II

### LITERATURE REVIEW

The movie *When They See Us* highlights numerous aspects of the lived experiences of people of color as it relates to systemic racism, police brutality, microaggressions and negative labels and stereotypes. These issues have also been presented in other movies and is reflective of society today. In this chapter, I explore existing racism, police brutality, microaggression, and implicit bias research. This chapter also cites prior studies on how people of color were represented in movies and how filmmakers are now changing this representation by retelling the true lived experiences of people of color. Ava DuVernay through storytelling, provides a lens through which people can view the lived experiences of people of color in *When They See Us*.

#### **Racism, a Systemic Issue**

Racism has been a hot button topic in America for many years now and it perpetuates the belief that one's race, skin color, or more generally one's group, be it of religious, national, or ethnic identity is superior to others in humanity (Samana, 2019). Racism has been a part of the American landscape and system since the colonization of North America beginning in the 17<sup>th</sup> century (Samana, 2019). Various groups including Native Americans, Asian Americans and African Americans have borne the brunt of it and it has been manifested in discriminatory laws, social practices, and criminal behavior directed towards these target groups (Lance, 2015).

The coming of the Europeans to North America with the intention to invade and subdue its lands, came racism and bigotry against Native Americans as well (Lance, 2015). The Europeans believed that the original inhabitants of America were heathens and savages who needed to be civilized through Christianity and European culture and this led to mass murder, genocide, stolen lands, and the attempt to wipe out the native American culture and traditions as well as forced assimilation (Lance, 2015). The media's portrayal of this continent's first inhabitants as bloodthirsty savages also helped justify European abuses against Native Americans (Samana, 2019).

Consequently, the need for no cost workers to cultivate this “newly found land,” led to the kidnapping of Africans from their native homes and shipped as slaves to America. Throughout the 17<sup>th</sup> and 18<sup>th</sup> centuries, people were kidnapped from the continent of Africa, forced into slavery in the American colonies, and exploited to work as indentured servants and labor in the production of crops such as cotton and tobacco (History.com, 2019). A number of these captured slaves were known to be royalty and literate who upon their arrival to America were stripped of their names and identities and forced into Christianity (Samana, 2019). These captured slaves were beaten, whipped, and tortured and in most cases, lynched or hanged at the whims of their white masters from whom slavery was key to maintaining their vast properties and land (Samana, 2019). Cooper (2015) in his study argued that as a matter of fact, the roots of former policing in the United States lie in slave owners' efforts to control slaves and slave patrols were the first state-sponsored police forces. Slave patrols were particularly vital to maintaining white control in areas where there were more slaves than whites, and South Carolina, a state where Whites were outnumbered, became the first state to establish them in 1704 (Bass, 2001). Slave Patrols had broad authority and were permitted to enter slaves' home at will and

punish fugitives (Bass, 2001). While not all Africans in America were slaves, a large number were and for those Africans in America who were free, discriminatory laws that barred them from owning property and voting as well as the belief in the intrinsic inferiority of dark-skinned people by the dominant white majority, held them back from full equality in the United States (Samana, 2019).

By the mid-19<sup>th</sup> century, America's westward expansion and the 1807 Slave Trade Act, which promoted the abolition of slave trade, provoked a great debate over slavery that would tear the nation apart in a bloody civil war (History.com, 2019). Although the union's victory freed the nation's over four million slaves, the legacy of slavery continued to influence American history, from the Reconstruction era, to the civil rights movement that emerged a century after emancipation (History.com, 2019). The impact of this act of slavery that took place several years ago can still be felt today as the after effect is evident in Native American communities. According to Saccaro (2014), one in every four Native Americans live in extreme poverty as they continually face disproportionate unemployment rates. They also experience institutionalized and systemic racism as they lack access to healthcare and have a lower life expectancy than average (Saccaro, 2014). The African American community as well still face racism in every area of society although it has long become socially unacceptable in America (Staddon, 2019). According to Staddon (2019), statistical racial disparities persist as African Americans as a population continue to suffer income, crime and incarceration rate, health, housing, and family structure deficits by comparison with the white population. In addition to this, they are being treated unjustly by the justice system of the American society (Staddon, 2019).

Many movies such as *Twelve Years a Slave* have tried to reconstruct the history of slavery and its connection to the discrimination and inequality that people of color, especially black people, face today (Tambay, 2018). Movies like *Twelve Years a Slave* and even *When They See Us* try to open the eyes of the general public to the reasons why people of color are being disproportionately incarcerated or financially handicapped (Cara, 2019). Similarly, black writers and filmmakers such as Robert Townsend, Charles Burnett, Wesley Morris, Ava DuVernay, Henry Louis Gates Jr., and Gina Prince-Bythewood have deemed it fit to use their craft to give a voice to the issues of racism and police brutality that plague people of color in society (Robin, 2017). They hope that by doing this, attention would be called to an issue that has become so mundane and discourses would be started that would eventually spark some radical changes (Tambay, 2018). In 2018, Ava Duvernay, a filmmaker prominent for lending her voice to telling the stories of people of color, directed a movie called *13th* and this movie was nominated for an Oscar award under the Best Documentary Feature Film category (Robin, 2017). Robin (2017), in describing *13th* stated that AvaDuvernay's masterful documentary examines the connection between slavery and the prison system in the United States. The film argues that once slavery was abolished, society sought to criminalize black men as a whole so they could be imprisoned and used for cheap labor in prison (Robin, 2017). The feature film examines the ways in which media was used to criminalize black bodies and the sharp increase in the imprisonment of black people. It also examines the modern ways that black bodies are criminalized, including the initiative, 'War on Drugs,' the portrayal of reactions to police violence, and the school to prison pipeline (Robin, 2017). DuVernay creates a loose connection between her movies *13th* and *When They See Us* in the sense that the former touches on the history of racism while the latter expands

on the reality of systemic racism and microaggression that plagues people of color in society. Otiemo (2017) speaking about systemic racism mentioned that people of color have over the years been systematically handicapped. Otiemo (2017) also explains that several systems in society have been set up against people of color that it is hard for them to set up businesses, create wealth, or not being targeted for mass incarceration and other forms of police brutality and social injustices. All these things were enumerated in *When They See Us* through language use, lighting, musical score, and bodily actions of some characters. I discuss this in depth in the fourth chapter of this study.

### **Microaggression**

The term *microaggression* was coined by psychiatrist Dr. Chester Pierce in the '70s and it refers to brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory or negative racial slights and insults toward people of color (Nigatu, 2013).

Microaggression also involves normalized bodily actions and verbal communication that is intended to insult and degrade the person being targeted. This issue has always been present in society but has become so normalized and mundane that it has been accepted in everyday discourses (Anderson, 2020). Anderson (2020) also gives examples of microaggressions in the workplace. She mentions that calling a female *sweetheart* at work is an example of microaggression because although it sounds like an endearment, it is in fact putting women in a box where they are constantly reminded of how they are not so strong and capable (Anderson, 2020). Anderson (2020) in her article further discusses microaggression in the workplace by stating that one rarely finds women calling their male counterparts at work endearing names, it is always the other way around. It is also commonplace to find people advising new

moms at work to go home early but such advice is more often than not, never given to new dads. It is also not uncommon for assertive female managers and professionals to be labeled as bossy while their male counterparts are considered forceful leaders (Derald, 2010). All these are examples of microaggressions, bodily actions or words that are subtle, yet intended or sometimes unintended to hurt the individual or group being targeted.

Microaggression could be around race, gender or ethnic groups. It is subtle yet strong enough to demean the person being targeted and it is often influenced by implicit bias (Anderson, 2020). Derald (2010) in his study, explained that microaggressions are generally discussed from the perspective of race and racism because this is the most common form of microaggression that has become so mundane and acceptable. Derald (2010) provided several examples of microaggressions that are influenced by implicit bias; A white man or woman clutches their purse or checks their wallet as a black or Latino man approaches or passes them (Hidden message: you and your group are criminals), an Asian American, born and raised in the United States is complimented for speaking “good English” (Hidden message: you are not a true American), a black couple is seated at a table in the restaurant next to the kitchen despite there being other empty and more desirable tables located at the front (Hidden message: You are a second-class citizen and undeserving of first-class treatment). As Derald (2010) progressed with his study, he tried to piece together the genesis of racial microaggressions and implicit bias and it fell back on racism and white supremacy.

The idea of white supremacy has always been a huge part of the American society. It was very prominent in the 17<sup>th</sup> century and it continued to blossom well into the 20<sup>th</sup> and 21<sup>st</sup> century. Several groups emerged that propagated the culture of

white supremacy and expressed hatred for the minority groups within the American society among which was the Ku Klux Klan (KKK). The Ku Klux Klan is America's most infamous supremacist group (*Southern Poverty Law Center, 2011*). The initial KKK was formed by ex-confederate officers in the southern states of the US in the aftermath of the American civil war in 1865 (*Southern Poverty Law Center, 2011*). From 1868 through the early 1870s the Ku Klux Klan functioned as a loosely organized group of political and social terrorists (Jonathan, 2017). The Klan's goals included the political defeat of the Republican party and the maintenance of absolute white supremacy in response to newly gained civil and political rights by southern Blacks after the civil war (Jonathan, 2017). Rapidly, the Klan flourished in the south before spreading nationwide in the 1900s (*Southern Poverty Law Center, 2011*). Members historically wore hooded costumes and carried out lynching and other violent attacks on those challenging white supremacy in the southern states (*Southern Poverty Law Center, 2011*). Divisions of the group discriminate against black Americans, Jewish people and immigrants and it soon became a vigilante movement with the aim of preventing these groups from enjoying the same civil rights as their fellow Americans (*Southern Poverty Law Center, 2011*).

In 2017 some angry men marched in Charlottesville, Virginia while shouting 'blood' and 'soil,' imitating the Nazi slogan 'blut' and 'boden' meaning that the blood must be racially pure (Carl, 2017). For these new American Nazis, the enemies are the black and brown people supposedly destroying their pure white United States (Carl, 2017). The marchers chanted 'Jews will not replace us,' echoing Hitler's paranoid for the fear of Jewish people as the ultimate enemy (Carl, 2017). These new faces of the Ku Klux Klan target black and brown people for all forms of racism and violence (Carl, 2017). Their earnest desire to keep the United States pure and white, propel

them to be highly offensive to the person of color. These white supremacists dream of a world in which minorities are either subservient or non-existent and they continue to grow in large numbers over the years while occupying different areas of the American society (Carl, 2017). Today, they occupy important political, judicial, and even religious offices while propagating their white supremacists' ideas and beliefs and as a result, the person of color finds his or her civil rights being infringed upon daily (Carl, 2017).

Bell hooks (1996), a feminist theorist, author, and cultural critic in her book *Killing Rage: Ending Racism* touched on white supremacist patriarchy and the interconnectivity of race, class, and gender and their ability to produce and perpetuate systems of oppression and domination. In her book, bell hooks (1996) described various incidences of when she had been a victim of white supremacist actions and racial discrimination which drove her to black rage. She takes a feminist standpoint to describe her ordeals and lived experiences as a black American woman living in America and how extremely difficult it is to be in a society being a minority within a minority group. From bell hooks' feministic standpoint, she sees a system dominated by white power, systemic, and institutionalized racism and how everything in society seems to have been set up to work against people of color. Her suggestion to combat white supremacy and racism is that people of color come together in unity and not just be passive or mere bystanders when there are faced with a racist situation. According to bell hooks (1996) "as more people of color raise our consciousness and refuse to be pitied against each other, the forces of neo-colonial white supremacist domination must work harder to divide and conquer" (p. 26). In her fight against prejudice and social injustice, bell hooks (1996) touched on the fact there is strength in the differences of people within society and that the hue on people of color does not

automatically label them guilty at all times. In *When They See Us* DuVernay showed how the five protagonists faced gruesome levels of police brutality for a crime that they did not commit and were only wrongfully convicted because of the color of their skin (Giorgis, 2019).

### **People of Color Versus Society**

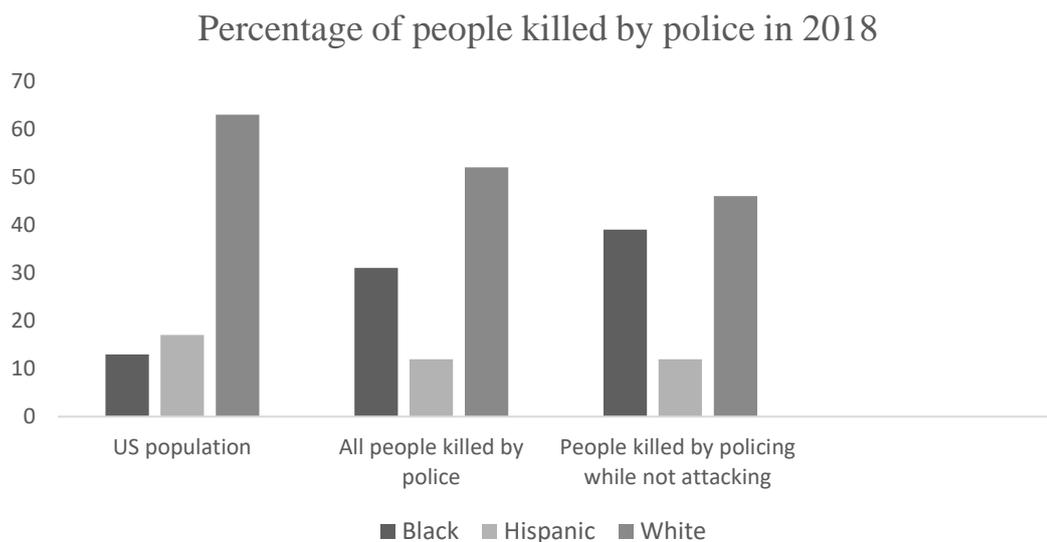
Over the past few years, there has been a tremendous increase in racially motivated incidents. According to *The Washington Post* (2017), more than half of the crimes motivated by racial bias recorded in 2016 were targeted towards African Americans. These hate crimes that targeted the individual's identity ranged from murder to vandalism, and also included rape, robbery and assault (*The Guardian*, 2018). The people of color seem to be at a huge disadvantage within the American society as they are powerless to fight back against the injustices that they face within the system (*The Washington Post*, 2017).

In his article, Butler (2017) states that there is a different justice system that has been created especially for African Americans and this system is dehumanizing and unfair to this group as day by day, they are being stripped of their civil rights and severely ill treated. Butler (2017) goes further to state that police brutality against people of color is on the continuous rise as more black people are put on chokehold (maneuver in which a person's neck is tightly gripped in a way that restrains breathing. A person left in a chokehold for more than a few seconds can die) than any other group in America. Lopez (2018) in discussing the statistics and rate at which police kill Black people while on duty, states that black people are much more likely to be shot by police than their White peers. In his analysis, Lopez (2018) found that black people die as a result of encounters with police at disproportionate rates since black people accounted for 31 percent of police killing victims in 2012 even though

they made up just 13 percent of the US population. According to *The Washington Post* (2019), in 2018 Blacks made up 13 percent of the US population, Hispanics made up 17 percent of the US population, while 63 percent of the US population were Whites. 31 percent of Blacks made up the total percentage of all the people that were killed in 2018 by police, while Hispanics made up 12 percent, and Whites, 52 percent (*The Washington Post*, 2019). 39 percent of Blacks made up the total percentage of people killed by policing while not attacking while Hispanics made up 12 percent and Whites, 46 percent (*The Washington Post*, 2019).

Figure 1

*The Impact of Policing on American Citizens*



(*The Washington Post*, 2018)

Lucius (2017) stated that apart from issues of police brutality, racial disparity is also quite evident within the judicial system against people of color as they get extended prison sentences, unfair trials, and make up the large population of prisons in America. Lucius (2017) also posits that the system has been set up against people of color in the sense that they are more incarcerated, less wealthy, and face all sorts of racism across several systems in society. This issue of mass incarceration of people of

color has been a trend for many generations and history has a huge role to play in all of this (Lucius, 2017). Hillary Clinton once asked a room full of white people to imagine how they would feel if police and judges treated them the way African Americans are treated (Butler, 2017). She goes further to say that if the police patrolled white communities with the same violence that they patrol poor black neighbourhoods, there would be a revolution (Butler, 2017). Although many people admit that people of color indeed get unfair hearings and are also major victims of police brutality, many others believe that these select groups are only getting what they deserve (Simpson, 2015). There has been an ongoing discourse, especially among conservatives, for many decades now about how people of color, especially black people, are inherently lazy and would always pick the easy way out, hence, their involvements in various criminal activities to make fast money (Simpson, 2015). These people on the far left believe that if you do the crime, then be prepared to do the time. While some critics believe that black people commit most of the crimes in society, hence, the high incarceration rate among them (Simpson, 2015), other critics posit that society has been unbelievably unfair to people of color and that history is only taking its toll on this select group and on society at large (Lucius, 2017). These critics also believe that everything in society have always been set up to the disadvantage of the person of color (Lucius, 2017). Everything includes the economic, judicial, and social aspects of society and it is little wonder that black people would turn to crime as society constantly keeps working against them (Simpson, 2015).

Casey, Darrell, Jeffery and Noah (2009) in their study mentioned that although Blacks make up only 13% of the general population, almost 29% of black males are expected to go to prison, compared to less than 5% of White males. In their study, Casey et al (2009) proceeded to ask this question: “Do these large racial and ethnic

disparities reflect systematic racial and policy discrimination in the criminal justice system or do they simply reflect disproportionate involvement of Blacks and Hispanics in ‘serious’ or street crimes?” The former possibility that the criminal justice system is biased along racial or ethnic lines raises an issue that adjoins larger political concerns of American society as well as broad-based substantive interests within law, criminology and social sciences (Casey et al., 2009). Politically, the symbolism of equality before the law is at the heart of the American legal system so, racial-ethnic or gender bias in the enforcement of law, threatens the value that is being placed on equality within this system (Casey et al., 2009). Substantively, because race and ethnicity stratify and differentiate US society, research on the effects of race and ethnicity on criminal justice processing encompasses larger concerns with inequality and social stratification (Casey et al., 2009). Therefore, it is hardly surprising that a longstanding and contemporary concern for criminologists and policymakers has been the racial imbalance in US prisons (Casey et al., 2009). Many critics, artisans, and activists are also drawing attention to this imbalance within the criminal justice system in America and within the society as a whole, especially as it affects the person of color (Casey et al., 2009).

Ava DuVernay crafts a spellbinding narrative of the effects of incarceration in *When They See Us*. In the movie series, DuVernay leads her audience through the lived experiences of five young black and brown boys and their ordeal in the hands of a warped criminal justice system (DuVernay, 2019). Marriska (2019) in her article argues that DuVernay presents a narrative so raw and so true that the reality of how the society has been set up against people of color has been revealed and is startling. Marriska (2019) further argues that *When They See Us* reveals that the person of color is always presumed guilty at all times as Linda Fairtsein commented that only black

and brown boys be rounded up for questioning. Fairstein further proceeded to call the boys “animals” and truly on most days, this is how society sees the person of color (Marriska, 2019) and according to Marriska (2009), most of these negative perceptions are often influenced by racism and implicit bias.

Implicit bias has always been a contributing factor to misjudgments, racism and prejudice (Kristen, 2016). Perhaps the person of color is not automatically guilty at all times but because history has played out a certain way, now their skin color is used as a yardstick in framing their personalities and capabilities (Kelly et al., 2017). While the science of bias might find that the propensity to be prejudiced or to dehumanize others is a natural feature of human expression and experience, this is not the same thing as defining particular implicit biases to be natural because they are held in our subconscious (Kristen, 2016). History, past information, and established stereotypes feeds the implicit biases of humans therefore people find themselves placing an automatic label on someone based on the color of their skin, accent, ethnicity, and social class. Kelley et al (2017) suggests that media is the leading source of information and also the leading source that helps shape people’s belief, thought process and implicit bias and for a long time, the media through news reports, movies, radio and television shows, has shaped the way people view certain issues and other people (Kelley, et., 2017). Touching on agenda setting Kristen (2016) in her article stated that there has always been an agenda setting in the media against people of color as they are often presented in a negative light. More often, the media present missing/half stories, distorted and exaggerated truths, and the unrealistic reality of the lived experiences of people of color and this is taken wholly as truth by the audience and consumers of this information (*The Opportunity Agenda*, 2020). According to *The Opportunity Agenda* (2020), there is a causal link between media and public attitudes.

Media to a large extent help shape public attitudes as what media presents as important and true, is most of the time seen and held as important and true by the masses (*The Opportunity Agenda*, 2020). This discourse is relevant to my examination of *When They See Us* as media played a huge role in shaping public attitudes on the Central Park Five and their treatment in the movie. Ava DuVernay brilliantly captures the experiences of the Central Park Five at the hands of the American criminal justice system and through storytelling/counter-storytelling, one of the tenets of critical race theory that I employ in this study, DuVernay gives her audience a lens through which they can view the lived experiences of people of color within society.

### **Depiction of People of Color in Movies**

It is noteworthy to look at the depiction of people of color in movies and TV shows and how this narrative is slowly but surely changing. People of color, especially black people, were and are still depicted in movies as gang members, drug dealers, warlords and thugs (Hunter, 2017). According to Riley (2014), there are five different types of stereotypes of black people on TV. There are the magical negro, black best friend, thugs, brash women, and domestics (Riley, 2014). Riley (2014) in discussing the various stereotypes of people of color in movies, mentioned that as exciting and entertaining as HBO's *The Wire* was, all of the main characters who were blacks were portraying thugs, drug dealers and criminals. According to Riley (2014), the disproportionate number of African Americans playing criminals in Hollywood fuels the racial stereotype that black men are dangerous and have no respect for the law. When it comes to the media promoting the ideology that black women are brash, VH1 show *Basketball Wives* presents itself as an example. The reality show focuses on the ex-wives of famous athletes. The women would fit into

the brash women stereotype as confrontations are always solved through violence (Riley, 2014). This fuels the idea of the “angry Black woman” (Riley, 2014).

Up until recently, people of color have not been humanized in television as they are only given roles that would fit right into their stereotypes (Hunter, 2014). Everyone has a story, but the story of the person of color has been constantly shunned or reconstructed by mainstream media (Hunter, 2014). The only roles black people were used for are the mammy roles (motherly house help), magical negro (the black character who is shown as wise or folksy and is usually helping or guiding the White lead), gangster and drug dealer (Riley, 2014). The person of color is never given full representation and their characters in movies are merely superficial (Hunter, 2014). Indians in Hollywood movies are most times, local shop owners or lousy, unfriendly neighbors and they can be nothing more. Asians are majority of the time that awkward, unattractive smart friend in the group with big rimmed glasses (Hunter, 2014). Now these fixed stereotypes pose as an issue within society and as Riley (2014) stated in his article, stereotypes are problematic because they are seen so often that they are not seen any more as cliché but as a reality of some sort and this is how implicit bias is also formed.

Satchel (2017) in her book *What Movies Teach Us about Race: Exceptionalism, Erasure, and Entitlement* touched on the fact that media frames in entertainment content persuade audiences to see themselves and others through a prescriptive lens that favors whiteness. These media representations threaten democracy as conglomeration and convergence concentrate the media’s global influence in the hands of a few corporations (Satchel, 2017). By linking film’s political economy with the movie content in the most influential films, Satchel’s (2017) book uncovers the socially shared cognitive structures that the movie industry

passes down from one generation to another with African Americans being stereotypically represented as “violent, clownish, petulant, sexually deviant, entertaining, and/or more than any other, as a slave or servant” (p. 6). These stereotypical images are ubiquitous in American films and frequently are juxtaposed with white characters in polarized positions of power, control, reverence, and morality (Satchel, 2017). In these images there is an evidential binary representation, othering, essentializing, and stereotyping of Whites and non-Whites which eventually leads to racialization (Satchel, 2017). As audiences continue to consume these skewed narratives and films, the idea that whiteness is the social standard is being cemented and results in the reinforcement and perpetuation of a hierarchy of race (Satchel, 2017). Consequently, these images also influences the perceptions and biases of audiences and consumers whereby they begin to attach all things negative to blackness and all things positive to whiteness and this according to (Satchel, 2017) also helps to promote the ideology of white privilege in society. Satchel (2017) encourages media literacy and proposes an entertainment media cascading network activation theory that uncovers racialized rhetoric in media content that cyclically begins in historic ideologies, influences elite discourse, embeds in media systems, produces media frames and representations, shapes public opinion, and then is recycled and perpetuated generationally.

More recently, people of color are beginning to use their craft to reconstruct their reality through cinematic contents. Black people have reaffirmed in this age that their stories go beyond slavery themes and that they are so many aspects and lived experiences of the black person (Steve, 2016). Movies like *Hidden Figures* directed by Theodore Melfi, which tells the actual story of people of color is also helping to reconstruct the stereotypes of black women while highlighting their contributions to

humanity (Robin, 2017). This movie tells the story of the black women at NASA who performed the calculations that helped launch the first space shuttle (Robin, 2017). The white male scientists and astronauts got all the glory back in the day, but it was the black female mathematicians, especially Katherine Johnson, who did a lot of the work (Robin, 2017). The film shows all the discriminations they faced including being passed up for promotions, having their work dismissed, and having to walk over a mile just to use the only colored women's bathroom on the NASA campus (Robin, 2017). *Hidden Figures* was well-received as it was nominated for Best Picture at the Oscar Awards. Movies like *Hidden Figures* and *I Am Not Your Negro* help humanize the lived experiences of people of color and also reconstruct what their stereotypes and narratives have been prior to now (Robin, 2017).

Similarly, black directors have taken it upon themselves to continue to share the plights and stories of people of color as it relates to police brutality (Aisha & Dan, 2016). Movies like *The Hate U Give* directed by Angie Thomas, *Shots Fired* directed by Gina Prince-Bythewood, *Fruitvale Station* directed by Ryan Coogler, *13th* directed by Ava DuVernay and *When They See Us* also directed by Ava DuVernay have touched on the lived experiences of people of color, especially black people, as it relates to police brutality and racism (Aisha & Dan, 2016). Although their storytelling styles are different, their theme is generally the same. Their messages captures the reality of who people of color truly are and what they face on a daily (Aisha & Dan, 2016). Just like other directors passionate about telling the stories of people of color, DuVernay uses storytelling/counter-storytelling, one of the tenets of critical race theory. Through language use by some of the cast, musical score, lighting, and some reoccurring themes, DuVernay paints a brutal image and the experiences that the Central Park Five faced in the hands of the NYPD and the American justice system.

## **Summary**

This chapter discussed existing police brutality, racism, microaggression, implicit bias, and systemic racism research. I examined previous relevant studies and how recent movies explored the themes of police brutality and racism against people of color in America. Lastly, I explored how people of color are being portrayed in movies and how this narrative is slowly but surely changing as more filmmakers such as Ava DuVernay, are sharing the true lived experiences of people of color while touching on the salient issues of racism and police brutality against them in society. Chapter Three explores some tenets of CRT and discusses the work of relevant theorists.

## CHAPTER III

### METHODOLOGY

The previous chapter examined relevant studies and movies focusing on how other filmmakers explored the issue of police brutality and racism against people of color in America. To better understand the variety of ideologies and messages embedded in *When They See Us*, I draw upon the concepts of Critical Race Theory (CRT).

#### **Critical Race Theory**

Critical Race Theory (CRT) has its roots in the fields of anthropology, history, philosophy, sociology, and politics and it is used to study and change the often slanted conversation on race, racism, and power. This critical theory is very important in understanding the formation of race and racism in America (Delgado & Stefancic, 2001). One of the major tenets of CRT which I used for my analysis is the incorporation of storytelling/counter-storytelling and “naming one’s reality” (Delgado & Stefancic, 1993). Critical race theorists argue that counter-storytelling as a method of telling the stories of those people whose experiences are not often told may be a useful mechanism to challenge and change racial dominance (Tate, 1995). Interestingly, Delgado and Stefancic (1995) characterize this aspect of CRT by noting that many critical race theorists find the majoritarian mindset—the bundle of presuppositions, received wisdom and shared cultural understandings of persons in the dominant group—as one of the main obstacles of racial reform (p. 161). Racial

reforms can be approached in several differing occurrences including racial stereotypes, microaggressions, systemic racism, police brutality and personal experiences. Because of these occurrences, certain narratives are deemed true while others are deemed false. The dominant group decides which narratives are valid, but they do so from their flawed hegemonic perspective.

Bell hooks (2014), a cultural critic and a feminist writer, in the critical essays collected in her book *Black Looks* interrogates old narratives and argues for alternative ways to view blackness, black subjectivity, and whiteness within society. She also posits that the way to go about this is through spectatorship—in particular, the way blackness and black people are experienced in literature, music, television, and especially film (bell hooks, 2014). Hooks (2014) argues that the representation of what it means to be black has always been told from a skewed hegemonic point of view and it is time for the narrative to be more authentic. Her aim is to create a radical intervention into the way we talk about race and representation and as she describes in her essay, *Black Looks* are meant to challenge and unsettle as well as disrupt and subvert skewed narratives that have been told from the majoritarian and hegemonic standpoint (bell hooks, 2014).

As a critical race theorist, hooks' (1984) ideologies focuses on the intersectionality of race, sex, and class. Hooks (1984) believes that the issue of race and racism cannot be discussed without touching on the intersection of class and sex. The different sex in the black community have their own unique struggles and lived experiences yet similar in many ways (hooks, 1984). Through her feministic ideologies, hooks touches on the lived experiences of both black males and females in society and how their experiences differ. To hooks (1984), an integral step to alleviating white supremacy is putting an end to the degradation and exploitation of

Black women. hooks (1984) argues that black women have always taken the back seat in the affairs of society as the issues and rights of white females and black males are often recognized first. Although the stories and struggles of both black male and female are often muffled through its narrative being told from a white hegemonic point of view, the struggles of black female within society are more repressed and unrecognized (hooks, 1984). In all, hooks (2014) believes that the lack of the recognition of the struggles of black females borders on the intersections of race and gender and their misrepresentation in the media.

Hooks (2014) continues the discussion of black womanhood by stating that black women in film and other mediums are objectified and seen only as objects, not as people, causing problems in white-black relations, but particularly, causes problems in the way black women view themselves: they either vehemently oppose the pop culture representations or quietly absorb the stereotypes and objectification. Hooks (2014) states that objectification creates easy avenues for abuse and violence against black women. Hooks (1996) further argues that there are a lot the media especially films can teach audiences about race. Movies can shape, promote and instill stereotypes of a group of people within audiences so that these stereotypes become the way audiences actually view these select groups within society (hooks, 1996). Movies have for a long time painted black women as angry and violent while black men are being painted as criminals, gangsters, and drug dealers (hooks, 1996).

Hooks (1996) in her works also touched on the black male experiences within society and how stereotypes from movies and the media have now shaped the everyday life of the black man in the sense that there is a high incarceration rate among these people because they are considered guilty at all times. Hooks (1996) mentioned that many black men in society are wrongfully convicted of crimes and

end up being incarcerated because what makes them automatically guilty is the color of their skin as well as dangerous stereotypes cemented by movies and the media's depiction of them as black men.

Focusing on paths of resistance that black people can and have taken against racism, hooks (2014) talks about how the black gaze upon white people can be a powerful tool of survival and resistance. Black people were often looked at as objects owned or controlled by white people, and white people never took a second thought about the idea that black people could look at them and observe and resist (hooks, 2014). The resistance gaze is a way for black people to "imagine new transgressive possibilities for the formulation of identity" (p. 130) and the reconstructing of their narratives.

As mentioned earlier, the dominant group in society have always constructed the narrative of the minority groups within society. To analyze and challenge these power laden beliefs and narratives, writers have employed counter-stories, parables, chronicles, and anecdotes aimed at revealing their contingency, cruelty, and self-serving nature (Delgado & Stefancic, 1995). Ava DuVernay, for example, are now telling the stories and true lived experiences of people of color contrary to the long-standing stereotypes in the media. Researchers using counter-storytelling as a tool for analysis could expose and challenge the majoritarian stories of racial privilege as well as shatter complacency, challenge the dominant discourse on race, and further the struggle for racial reform (Solorzano & Yosso, 2002). Applying an identical method, critics create a narrative that is more reflective of the truth and resonates with the actual situation as well as highlights the negative nature of prior narratives. In touching more on storytelling and counter-storytelling, Delgado and Stefancic (1995) in their work further explained that oppressed groups have known instinctively that

stories are an essential tool to their own survival and liberation. Critically, this statement implies that the majority group of society have crafted the narrative for a long time and now through counter-storytelling, there could be a redistribution of power and some sort of radical racial reforms as minority groups tell their true authentic stories. I employ this critical lens as one of the ways to analyze *When They See Us* and how Ava DuVernay through storytelling and counter-storytelling, touched on the issues of police brutality, microaggressions (bodily and verbally), and systemic racism against people of color in America.

### **Applications of the CRT**

Many scholars such as Yosso (2006) have utilized CRT as a methodology in their studies by examining the intersectionality of race, sex, class, national origin, and sexual orientation and how their combination play out in different settings. These scholars believe that this is an important tenet in pointing out that CRT is critical of the many oppressions facing people of color and does not allow for a one-dimensional approach of the complexities of the world. Bell hooks (2000) in her book *Where We Stand: Class Matters* also touches on the intersectionality of race, class, and sex and how all these contributes to the oppressions that the person of color faces within society. Being a black woman, bell hooks (2000) uses CRT to dive into her narrative and how the intersections of race and sex have greatly impacted her as a person. Yosso (2006) in using CRT for analysis in his study about community cultural wealth touched on the fact that CRT is complex as it encompasses the experiences of marginalized people within society. Whereby, the authenticity of these people's narratives and lived experiences is no longer seen through the lens of the dominant group but is reexamined and portrayed for what it truly is (Yosso, 2006).

Initially, CRT scholarship focused its critique on the slow pace and unrealized promise of civil rights legislation (Espinoza & Harris, 1998). As a result, many of the critiques launched were articulated in Black vs White terms thereby, women and people of color who felt their gendered, classed, sexual, immigrant, and language experiences and histories were being silenced, challenged this tendency towards a Black/White binary. They also stressed that oppression in the law and society could not be fully understood in terms of only Black and White (Espinoza & Harris, 1998). According to Espinoza and Harris (1998), African Americans have certainly experienced a unique and horrendous history of racism and other forms of subordination in America but other people of color whose histories have also been shaped by racism and the intersecting forms of subordination have had similar experiences. By offering a two dimensional discourse, the black/white binary limits understanding of the multiple ways in which African/Americans, Native/Americans, Asian/Pacific Islanders, Chicanas, Latinas, women and men of these minority groups, and LGBTQ individuals continue to experience, respond to, and resist racism and other forms of oppression (Yosso, 2006).

### **African American Criticism**

In this study, I incorporated ideologies of African American criticism in my analysis. Being under the umbrella of CRT, African American criticism challenges established ideologies, racial boundaries, and racial prejudice (Tyson, 2006). It also explores the lived experiences of black people and the significance of slavery as a historical event and its present day racial implications (Tyson, 2006). In African American criticism, race has become the main object of analysis as race in the American society informs people's individual and cultural psychology in profound ways (Taylor, 2008). This means that the goal of the criticism is to analyze the work

as a way of its impact and explanation of issues within the African American community and affecting it as well. Taylor (2008) also argues that in African American criticism, it is important to examine race as this would lead to the understanding of racism and the marginalization of minorities within society. Taylor (2008) notes that this criticism understands different aspects of the text that would not be as apparent without this perspective and to understand the challenges, perceived responsibilities, and opportunities of living in an ethnically diverse society. Critics utilizing African American criticism are asked to consider what the work teaches about African American culture and lived experiences within society as well as considering racial politics and the construction of race (Taylor, 2008).

### **Black Feministic Standpoint**

As I mentioned earlier, CRT goes beyond the black/white binary but instead covers a wide variety of experiences that cuts across several marginalized groups including Black women within society. Within this paper, I also incorporate ideology of black feministic thought in my analysis of the film which is also under the general umbrella of CRT. According to (Yosso, 2006), we live in a society where the narratives of almost all groups is being constructed by the majority group who possesses the monopoly of hegemony. But black feministic standpoint challenges this ideology as their thoughts consists of ideas produced by Black women that clarify a standpoint of and for Black women (Collins, 1986).

There are several things to note from this definition. First this definition suggests that it is impossible to separate the structure and the thematic content of thought from the historical and material conditions shaping the lives of its producers (Collins, 1986). This implies that although the experiences of black women are recorded by others, it is nonetheless produced by black women (Collins, 1986).

Furthermore, the existentiality of black women is solely within their true lived experiences and any other attempt to narrate it otherwise would only produce a skewed report of things. Second, the definition assumes that black women possess a unique standpoint on their experiences and that there will be certain commonalities of perception shared by black women as a group (Collins, 1986). Black women share the commonality of being minorities within a minority group and so black feministic standpoint tend to tackle issues by considering the intersections of race and sex. Crenshaw (2018) noted that “because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which black women are subordinated” (p. 140). Within this thesis, I hold the same view when discussing the issue of police brutality against people of color in America. It is impossible to discuss the issue of police brutality against people of color by separating what it means to be a person of color and what it means to be a male person of color. In *When They See Us*, there is an intersection of race and sex and its contributions to the unique experiences of the male protagonists (Central Park Five). The addition of class in my analysis rounds out the experience as a whole and it is important to the experience of the male person of color and his relation to the American justice system.

Third assumption of the black feministic standpoint is that while living life as black women may produce certain commonalities of outlook, the diversity of class, region, age, and sexual orientation shaping individual black women’s lives has resulted in differing expressions of these common themes. Therefore, universal themes included in the black women’s standpoint may be experienced and expressed differently by distinct groups of Afro-American women (Collins, 1986). Finally, the definition assumes that while a black women’s standpoint exists, its contours may not

be clear to black women themselves so it is imperative that black female intellectuals produce facts and theories about the black female experience that will clarify a black woman's standpoint for black women and others (Collins, 1986). According to Collins (1986), this is a very profound way to claim space in the world of academia and analyze race critically in a way that not only provides clarity on racial topics, but also validity to those not often allowed in academic spaces and those that have been analyzed from the majority hegemonic standpoint. Although I am a black woman, I would be exploring the black male true lived experiences with the justice system of America while utilizing counter-storytelling.

### **Analyzing *When They See Us***

To analyze *When They See Us*, I found evidences of six tenets of CRT in the movie. The six tenets are:

1. Endemic Racism (racism is ordinary and difficult to eradicate or address as well as color-blind conceptions that insist on equal or same treatment resolve only the most obvious forms of discrimination leaving the subtle forms uninterrupted)
2. Interest Convergence (Racism advances the interests of white elite and working class people therefore, large segments of the population have few incentives to eliminate it. However, changes do occur when interests converge to advance the desires or needs of White elites)
3. Social Construction (race and races are products of social thought and relations. Society also creates races and assign impermanent characteristics to those races)
4. Differential Racialization (this tenet suggests that if one minority group gains privilege in the United States, another is likely losing privilege)

5. Intersectionality and anti-essentiality (identity cannot be reduced to one essential element as people embody conflicting and overlapping identities, loyalties, and allegiances)
6. Unique Voice of Color (minority status confers a presumed competence to speak about one's own experiences of race and racism) (Delgado & Stefancic, 2001).

I began my analysis by viewing the entire series. When I first watched the entire four episodes of the series, I viewed it as a traditional audience member as I wanted to experience the movie wholly. In watching the movie a second time, I started identifying examples in the movie that supported the tenets of CRT that I listed above and then recorded them in a word document. These evidences were also themes of racism, microaggressions and police brutality against people of color and the lived experience of the black male and their relationship with the American justice system which is the focus topic of my research. After watching the movie for a third time and locating these examples and themes, I then analyzed these themes using the tenets of CRT while also incorporating African American criticism, Black feministic standpoint, and the necessary context for the situations seen in the film.

### **Summary**

In this chapter I discussed Critical Race Theory as the method for my analysis. I also discussed how other researchers incorporated CRT in their studies while touching on the concept of counter-storytelling. Building on the foundation provided by CRT, African American criticism, and Collins' insights on black feministic standpoint, my theoretical grounding assists me in uncovering the messages of the film, *When They See Us* in Chapter 4.

## CHAPTER IV

### ANALYSIS

In this chapter, I used the six tenets of Critical Race Theory (CRT) to analyze *When They See Us* while drawing examples from the film. The six tenets of critical race theory are: endemic racism, interest convergence, social construction, differential racialization, intersectionality and anti-essentiality, and unique voice of color (Delgado & Stefancic, 2001). Analyzing the movie using these tenets while drawing examples from the film helped my analysis to focus on microaggression, racism and police brutality against people of color. I related the experiences of the characters to the six tenets. I also related their experiences to the overarching idea that runs throughout the entire film which is the connection of racism and microaggression to police brutality against people of color. Second, I examine how this idea of the connection of racism, microaggression, and police brutality crafts the experience of the five young men of color in the film. Within this examination, I also decipher the intersections of class, race, and sex when discussing both the experience of the male person of color especially the black male. Thirdly, the important aspect of instilling my standpoint in the analysis is to continue the ideas of “naming one’s reality” as well as self-definition and self-valuation that is a staple in both CRT and Black Feministic Thought, highlighting the reason why my standpoint is meaningful when discussing race, microaggression, and police brutality. This analysis answers the following question: How are the concepts of Critical Race Theory reflected in *When They See Us*?

## **Black Feministic Thought and My Standpoint**

Collins (2004), in discussing Black Feministic Standpoint, mentioned that the major tenet is the theme of Self Definition and Self Valuation as it relates to Standpoint theory. Self-definition is defined as “challenging the political knowledge-validation process that has resulted in externally-defined, stereotypical images of Afro-American womanhood” (p. 16), while self-valuation is “replacing externally-derived images with authentic Black female images” (p. 17). My personal standpoint is as follows: I am a 25-year-old black female from Lagos state, Nigeria. I am one of eight children and I come from a family who values education: The standard educational qualification one should attain according to my mom, is a Ph.D. and she pushes my siblings and me really hard to achieve this as she believes that education liberates the mind. I am also fluent in four languages. Growing up in Nigeria has taught me many things as it has also shaped the way I see the world and its workings. At a very a young age, I understood the way the world works especially as it relates to women and their place within society. I have always been a bright kid who was interested in reading books, knowing and also questioning things.

When I was eight years old my teacher in third grade came to class one day and said that it was time to nominate a new class captain. At that time, being class captain was a huge deal. It shows that you are being recognized for your hard work, leadership capability, good character, and intelligence. However, many of us only wanted to be class captain because we would get to read to the class, assist the teacher in handing back assignments to students, as well as get bigger lunch portions. I was shocked when the whole class enthusiastically chorused my name in unison as the person they wanted to be their class captain. I was surprised at their collective choice because I have always been the reserved little girl and a person of few words but I

was happy that I was being recognized by my classmates despite how I felt about myself. Seven words my teacher back then said put a pin in my happy balloon, “No! A girl cannot be class captain.” She stared intently round the class and her eyes came to rest on a light skinned boy who the entire school wanted to be friends with because his parents were rich and he freely gave out his chocolates if one was kind to him. “Divine, you will be class captain and Ejiro will assist you. That is how it is supposed to be, men lead while women follow.” I felt terrible and in my defeat, my little head could not seem to understand why I could not lead while Divine followed. The whole class wanted me and not him but according to my teacher, men lead and women follow.

As I mentioned earlier, I question everything around me so as to better understand the world. So, I began questioning this ideology of men always having to lead while women follow. When I got to high school, I began reading more and trying to understand society and the unspoken/spoken rules that govern it. The more I delved into books and movie narratives, the more I saw patterns. Not long after, I realized that Nigeria is a highly patriarchal society where women are constantly disenfranchised and seen as insignificant and only good enough to be wives. Just as with Divine from my third grade class, I noticed that discrimination in society spans across a variety of intersections because my teacher not only wanted Divine to be class captain because he was a boy and I a girl, she wanted him to also lead because he came from the upper class and I from the lower class. I continued to see how the intersections of sex, class, and ethnic group lead to the discrimination of a group against another and I was not comfortable with this. Perhaps I remember how defeated I felt when my teacher told me that I could not lead because I was a girl, because I was not good enough. Perhaps that strong sad feeling in the pit of my

stomach led me to understand that there are many people out there who are being discriminated against and must feel the same way I feel or even worse because they fit into a particular box that society thinks is not good enough. After being in the art class in high school and reading various books from Nigerian renowned feminist, Chimamanda Ngozi Adichie, I grew a passion for the literature and I decided to pursue this passion by going to the university to study English and Literature for my undergraduate degree. Studying literature and English for four years really opened my eyes to the workings of society. I learned about feminism and what it stands for and I knew that I was a feminist. Through the different courses I took in African and African American literature, I also learned about racism against people of color and again, I became uncomfortable. I never really experienced racism until I came to America to pursue my master's degree. Although I have been discriminated against in the past, it was not due to the color of my skin but due to my sex and class as I come from Nigeria, a place where everyone is Black.

Coming to America brought to life all the literatures I have read and the movies I have watched on race and discrimination. As a black woman from Nigeria, for the first time, I was discriminated against because of the color of my skin. It was the summer of 2018 and I was working at the concession stand in one of WTAMU's football games. After the game and after my job was completed, I decided to catch a quick bathroom break before starting to head home for the night. But when I returned from the bathroom, I realized that the concession stand gates were closed and my purse was still in there. I quickly decided to call my friend who was also a Nigerian and who also worked with me at the concession. Whenever this friend and I talk, we speak Yoruba, a Nigerian language. As I was on the phone speaking Yoruba with this friend of mine telling her that I have been locked out, two White girls walking

towards me suddenly stopped to stare at me in disgust. I made nothing of it as I get quite a lot of stares, it must be the hair I thought as I continued my conversation with my friend. Two minutes later, I saw two White cops, a male and a female, walking towards me. I expected them to walk past me but they stopped right in front of me. The lady and the man proceeded to introduce themselves while flashing their badges at me. In that moment, several thoughts were running through my mind. Innocently, I thought they must be needing directions somewhere but instead, they said some girls reported that I threatened them in a foreign language. I blanked for several seconds exasperated, before my lips could form the words "Threaten? Which girls?" The lady cop pointed to the two White girls who had just walked passed me. Sudden realization dawned on me and the anger began to swell from the pit of my stomach and I could feel the bitter taste in my mouth as it was threatening to burst forth. Instead, I calmly but shakily said "This is nonsense! Ma'am can you bring those girls here and let them repeat what they said I told them? I was just on the phone with my friend who I needed to help me with the locked concession door. I work here." The officers saw how upset I was. Tears were already brimming in my eyes as I said, "Anyways I am not surprised, people like us get this all the time." The officers excused themselves for a minute to go talk with the girls who were standing several feet away and when the officers returned, they calmly apologized saying they knew the girls' claims about me were suspicious but they had to come confront me so that it would not seem like they did not do anything about the case the girls reported to them. The male officer seemed sincere but the female officer told me not to make a big deal out of it when I demanded that the girls come apologize to me as well.

Several minutes later, the concession stand door flung open. Everyone had been inside all along cleaning up and preparing to go home. They only locked the

door so as to prevent customers from coming to buy food thereby, prolonging closing time. I told my friend all that transpired just few minutes ago. She was angrier than I was and started having a fit but after I calmed her down while assuring her that I was alright, she calmly asked, "Favour, why do they do us like this?" Obviously shaken and traumatized, I replied "I wish I knew." My mind always travels back to the events of that night and how traumatized and afraid I was when I was confronted by those White police officers and girls even when I had not committed any crime. Again, because I have personally experienced what it is to be racially profiled, wrongly accused, and discriminated against, I am uncomfortable with it.

As I have discussed, it is not possible to discuss race critically without discussing the intersections of race, sex, and class. To this day I always remember how dehumanized and powerless I felt, considering the fact that many people will say that what I went through was not necessarily a big deal. Through my experience, I realized that there was an intersectionality of class, sex, and race at play as Black women are stereotypically loud and troublemakers and those girls in my narrative automatically were expecting that of the Black girl who said something in a language they did not understand. I was automatically guilty because of the labels that hang over me due to the color of my skin and my sex. My experiences in Nigeria and America impacts how I view race, class, and gender today and the world in general. I also tap into my experiences to analyze the characters in the movie and their conquering of the injustices of the American judicial system.

In discussing my standpoint, I also need to state my privileges in relation to those in the film and young men who mirror the experience of those in the series. I am a Black educated female who according to societal scale, balances in the middle class. According to bell hooks (1984), women and men in the Black community have their

own unique struggles and lived experiences yet they are similar in many ways. Through her feministic ideologies, hooks touches on the lived experiences of both black males and females in society and how their experiences differ. Black males are seen as warlords, drug lords, gangsters, rebels, criminals and downright dangerous but these stereotypes do not apply to Black women. I acknowledge my privileges as a black educated middle class woman. These privileges and experiences do not necessarily impact my outlook on racism, police brutality, power and powerlessness but it introduces the aura of the tensions faced by the young men and their families in the film. I firmly believe that knowledge is power and that there are endless possibilities to the gates of wisdom and knowing, as I have experienced the goodness of knowledge from my many years of schooling and travelling the world. However, I believe that no matter the level of privilege one enjoys, the intersections of race and sex can still be highly instrumental in one being discriminated against. I also believe that people of color are presumably guilty at all times especially when the intersectionality of class and sex come into play as I have experienced this firsthand myself. Research also indicates that a black male is at more risk of encountering police brutality and discrimination (Lopez, 2018). However, I do understand that my mindset would be different if I were not a person of color myself. This is a tension that I discuss as it relates to the young men and other characters in the film and their experience as people of color in the hands of the American judicial system.

### **Tenets of Critical Race Theory**

The following analysis cites examples from *When They See Us* using the lens of Critical Race Theory (CRT).

### ***Endemic Racism***

Endemic racism is one of the six tenets of CRT. As defined by Delgado and Stefancic (2001), endemic racism is ordinary and difficult to eradicate or address. Delgado and Stefancic (2001) further explaining endemic racism stated that having color-blind conceptions that insist on equal or same treatment resolve only the most obvious forms of discrimination, leaving the subtle forms uninterrupted. These subtle forms are microaggressions and implicit bias that are even more dangerous than the obvious forms of racism within society (Delgado & Stefancic, 2001). Throughout the film series, DuVernay crafts scenes that touches on how endemic and systemic racism is. She also presented scenes that points to how difficult it is to address racism due to how it has been systematically set up over time against people of color.

**Implicit Bias, Microaggression, and Judicial Inequality.** There were several instances in the film series that corroborate this tenet of CRT, endemic racism. Throughout the film series, Linda Fairstein, prosecutor who is also a crime novelist and runs the sex crime unit of NYC district attorney's office, constantly refers to the Central Park Five as "animals" (DuVernay, 2019). Linda lets implicit bias cloud her judgement as she pushes to solve the Central Park Jogger case. She orders the NYPD to go round up only Black and Brown boys from the projects of Harlem because according to her, only these kind of boys can commit such horrific acts, a stance she maintains throughout the movie. The audience follows each scene in Episode 1 as they see how Linda Fairstein and the entire NYPD used their power to prey on poor black and brown folks in Harlem. Enraged and obviously judgmental, Linda blurted out instructions to NYPD detectives, "Go into those projects and round up every black male you see. I need every single one of them. They are all animals!" (DuVernay, 2019, Episode 1, 20:24). According to this statement made by Linda, only black and

brown boys are capable of committing terrible crimes. This is the stereotype that hangs over the male person of color. He is intrinsically a gangster, criminal, drug lord, is problematic, intimidating, and downright rebellious because of the color of his skin (Donaldson, 2015).

Linda was also acting from a place of anger and she targeted this anger towards males of color and according to her, all of them are intrinsically guilty whether there was evidence to back up her claims or not. She stopped at nothing to prove her claims as being facts and true. Throughout the film series, Linda exhibited serious implicit bias against males of color as she also directed microaggressions towards this group of people. To her, as long as one is a male of color, especially black, one is capable of committing the most horrific crimes that there is. In her zest to solve the case of the white jogger while pinning the crimes on five black and brown teens, Linda turns to Elizabeth Lederer who later becomes the lead prosecutor in the Central Park jogger case. However before taking on the case fully, Elizabeth expressed her concerns to Linda as to the validity of the boys' involvements in the rape against Trisha Meili. Elizabeth also worries that the case might be weak as the coerced confessions which Linda and the NYPD got from the boys which they presented as evidences were highly conflicting. The audience sees that Elizabeth is hesitant as she turns to Linda saying, "What is your case Linda?" (DuVernay, 2019, Episode 1, 48:52). Obviously driven, Linda, who is bent on proving these boys guilty and having her way, retorted "Our case is that they are all guilty. Each of these boys raped this woman!" (DuVernay, 2019, Episode 1, 48:53). Elizabeth replied saying, "The biggest issue is that their statements don't match. Nothing these boys say matches the central facts of the crime." (DuVernay, 2019, Episode 1, 48:55 ). Linda, now irritated, replied "all we need is one of these little shits to tie this whole thing

together... I mean look at where they come from, these boys are animals!”

(DuVernay, 2019, Episode 2, 49:26). In this scene, we see an interplay of class, sex, and race and how all these contribute to the oppression and the dehumanization of people of color.

**Racism, an Integral Part of the American Society.** Many, if not all of the boys that were rounded up by the NYPD in connection to the Central Park Jogger case were poor boys of color from the projects of Harlem. They were black and brown boys who came from the lower class of society and whose parents constantly worked multiple jobs to provide them the basic amenities of life. Linda Fairstein preyed on these elements and aspects of the boys’ lives that were rounded up and brought to the precinct. She also concluded that because these young men supposedly do not have parental guidance as their parents were out working all the time, all they do is go around causing havoc as they did in Central Park on April 29, 1989. As the boys were putting down their statements, one of them mentioned that they were doing nothing other than just “wildin” in the park. Now the word “wildin” is rather ambiguous as it has several meanings in the African American community. It could mean having fun, acting crazy, getting mad, daring, or extraordinary. In this context of “wildin in the park,” the black boy who mentioned it in his statement clearly meant that he and the other boys were just having fun in the park but Linda considered this as evidence of the boys confessing to raping and brutalizing Trisha Meili in the park. Whenever Linda would debrief the detectives handling the case, or whenever she had to defend her stance, she would always say “Well the boys said it themselves that they were wildin in the park on that night” (DuVernay, 2019, Episode 1, 20:07).

Drawing a parallel to the word “wildin” and what it truly implies as to the context of the boys, the audience hears a reporter’s voice over scenes of where the

five boys were in a holding cell together, clearly looking devastated. The reporter's voice could be heard on television and on radio as she mentions that the boys reported that they were just "wildin" in the park. As thematic mellow music plays in the background, the scene cuts to a black man listening to his radio while walking down a street in New York. The female reporter's voice could still be heard as she talks about the Central Park Jogger case. Just then, a group of young white boys came running down the street, laughing listening to music, having fun and essentially "wildin." They nudged the black man with the radio out of their way as the reporter's voice continued to blare over the speakers, "Now the boys did mention that they did nothing wrong as they were just out in the park wildin" (DuVernay, 2019, Episode 2, 1:05:03). A clear juxtaposition and symbolism was drawn in this scene as the audience is presented with these parallels: A group of black young boys in a holding cell looking scared and devastated, and a group of white young boys running free on a street in New York. One thing these two groups both have in common is that they are young boys who were "wildin" but it is shown that the group of white boys were laughing and running free in the streets while the group of boys of color were in a holding cell, obviously traumatized. This instance also points to the intersectionality of race, class, and sex and how these elements birth implicit bias and microaggression towards people of color which ultimately leads to some sort of brutality and in this case, police brutality. Seeing as this particular scene overlaps to present this imagery, one cannot help but notice that a theme is fleshing out and a central question is being asked: are all boys created equal? Another important scene in episode one is where the five boys met for the first time in a juvenile holding cell after they were made to tell lies against one another by the NYPD. This scene is important because it also points to the question "are all boys created equal?" It also reveals the extent of

damage that microaggression, racism, and implicit bias can cause against the group being targeted.

The Central Park Five, after meeting for the first time, confessed to lying against one another. After confessing, they proceeded to apologize to one another and as they apologized, Yusef, one of the boys, said “They made us lie” (DuVernay, 2019, Episode 1, 58:50). Just then, an obviously brutalized Kevin interjected in a crying voice, “but why are they doing us like this?” “What other way they ever do us?” Raymond asked as the boys stared at one another and as *Falling Leaves* by Clare Maguire starts playing in the background. The statement Raymond made “what other way they ever do us?” was a foreshadowing to what the boys would experience in the hands of the American judicial system. The statement also points to the way that he, Raymond, has been treated all his life as a person of color and the way he has noticed other people of color being treated in the past as well. He also asked the question to make the other boys realize that this was their reality as people of color: they were going to be constantly discriminated against, brutalized and found guilty even when they were not.

Raymond’s statement also symbolically points to the fact that racism is at the core of the American society and it has birthed so many intricate networks and differing branches that have become almost impossible to address it. People of color are the ones constantly bearing the brunt of this issue of racism (Lopez, 2018). In Episode 2, a commentary made by a reporter covering the Central Park Five case, also touches on the microaggression, implicit bias, stereotypes, and racism towards the accused boys of color and how these elements led to them being brutalized by the police and American justice system.

Details didn't matter because there was no script. They were coming downtown from a world of crack, welfare, guns, knives. Indifference, and ignorance. They were coming from a land of no fathers. They were coming from the wild province of the poor, and driven by a collective fury brimming with the rippling energies of youth, their minds teeming with the violent images of the streets in the movies. They had only one goal: to smash, hurt, rob, stomp, rape. The enemies were rich, the enemies were white. (DuVernay, 2019, Episode 2, 00:41)

In as much as *When They See Us* touches on racism, police brutality, and stereotypes against people of color, it also explicates how the media contributes in promoting and cementing these stereotypes and ideologies. Satchel (2017), in her book, *What Movies Teach Us about Race: Exceptionalism, Erasure, and Entitlement*, touches upon the agenda setting that is present in the media. She posits that the media propels people to believe in a certain ideology by constantly presenting that ideology in a certain way, thereby, consumers begin to accept what they see in the media as facts and truth.

Satchel (2017) goes on further to say that when it comes to the black and white binary, the media has for a long time promoted stereotypes that has cemented hegemonic beliefs whereby Whites are on top and Blacks beneath. Consequently, these stereotypes also influences the perceptions and biases of audiences and consumers. Whereby, they begin to attach all things negative to blackness and all things positive to whiteness. According to (Satchel, 2017), these stereotypes that the media sometimes propagate, also helps to promote the ideology of white privilege in society which gives room for implicit bias, racism, and microaggression against people of color. Consequently, these elements makes it difficult to address racism because of how entrenched it is within the American society (Hunter, 2017).

**Systemic Racism is Difficult to Eradicate.** Touching more on the issue of racism against people of color, DuVernay presents scenes that relates to how systemic racism is. In Episode 2 of the film series, *Elomba and Nomsa Brath*, Harlem's prominent activists and community leaders, touched on the fact that society should not claim that there is equality when there is an obvious issue of implicit bias and microaggression against people of color. They also touched on the fact that the media in some way, contributes to promoting these biases and stereotypes as they addressed the press concerning the Central Park Five amidst chants of "protect the Black youth!" from a crowd of supporters. Nomsa, Elomba's husband, first addressed the press and crowd saying, "We are here to assert to the position for the families and many in our community that there is injustice happening here. Injustice occurred in that precinct when young boys, underage boys, were questioned without their parents, and were coerced by police and prosecutors to make false confessions, leading to where we are today" (DuVernay, 2019, Episode 2, 20:38). Elomba points directly to how the media through agenda setting are quick to represent people of color in a certain way. Thereby, creating and cementing preexisting stereotypes against these groups while also promoting white power and the ideology that the person of color is intrinsically bad and capable of terrible crimes. Elomba also through her commentary, counters the implicit bias and the negative narrative that Linda and the NYPD had been building against the boys, by humanizing them while challenging the media's representation of these boys as well.

We are here to point the finger at the White press who have failed. You have failed to properly investigate this. You have failed to ask the right questions. You've been spoon-fed a story and you've eaten it up. But we are not here for stories, we're here for the facts. For the truth and the facts are these boys are not a

wolf pack. They are not animals. They're not thugs. (Duvernay, 2019, Episode 2, 21:00)

After Elomba's speech, *Love and Hate* by Michael Kiwanuka starts playing in the background as people went into the court for the hearing. This scene ushered in a new dynamic that would strengthen the overarching ideology of the movie which is: when they see us, people of color, they see criminals, troublemakers, and lawless people who are automatically guilty of all crimes. So as the verdicts were being read out to each of the boys and as the words "guilty!" followed each count, the audience sees a disturbing resignation on the faces of the boys, their parents, and family members. For a brief moment, the boys were hanging on to the hope that the court will see through the lies and realize that they were innocent and just boys but every of their hopes were smashed as the word "guilty!" followed every count. This scene invites the audience to draw a parallel between the experiences of the boys and the reality of the lived experiences of people of color within society. In society, whenever other people see people of color, the word "guilty!" echoes in their mind and this is evident in the way people of color are being treated, as well as the way they are being perceived (Butler, 2017). After Raymond was released from prison after he was rearrested for selling drugs because he couldn't find a job due to the sad label of formerly incarcerated that was hanging over him, he made a statement in his soliloquy that touched on the fact that the effects of racism and microaggressions runs deep. Raymond in his statement argued that racism goes beyond the brutality that himself and the other boys and ultimately people like him, faced in the hands of the police and judicial system, it spreads across the societal, systematic, and institutional discrimination and brutality. "They say boys will be boys, but when did we ever get to be boys? This system has been set up against us. It is in the way they look at us when

they see us, when do we ever get to be just boys?” (DuVernay, 2019, Episode 3, 1:07:49). Ultimately, Raymond’s commentary implied that racism is endemic and it is evident in the implicit bias and microaggressions against people of color which eventually leads to all forms of brutality, inequality and injustices.

### ***Interest Convergence***

Interest Convergence as defined by Delgado and Stefancic (2001) states that racism advances the interests of White elite and working class people. Therefore, large segments of the population have few incentives to eliminate it. However, changes do occur when interests converge to advance the desires or needs of white elites (Delgado & Stefancic, 2001). Also, according to the Interest Convergence principle, the interest of black Americans will only be promoted when they either advance or do not impede the interests of white Americans (Hogan, 2019). Perceived racial progress, Derrick Bell (1980) contends, only occurs when the interests of Blacks and Whites align. Moreover, Derrick Bell (1980) holds that racially progressive measures are systematically rolled back when those measures no longer serve the interests of Whites. In other words, Whites would do anything to maintain their interests within society even aligning with Blacks only if this would promote their interest as Whites (Hogan, 2019). Throughout the film series, DuVernay crafts scenes that points to the fact that those with the absoluteness of hegemony would do whatever it takes to maintain their hegemony and interest within society.

**Power Play and Judicial Injustices.** The major starting crisis in *When They See Us* was when Trisha Meili, a white young woman was discovered in the woods of Central Park brutally raped and almost dying. Linda Fairstein, a prosecutor in charge of the New York sex crimes unit, took it upon herself to solve the crime at all cost. Throughout the movie series, the audience could see Linda and the NYPD working

tirelessly to solve the crime by mostly going after young black and brown boys from the projects of Harlem as their target and suspects. In a bid to solve the crime against the white brutalized jogger, Linda and the NYPD shabbily pinned the crime on young boys of color without conducting a proper investigation. Linda did mention that she was passionately trying to bring the Central Park Five down because she was trying to get justice for Trisha Meili (DuVernay, 2019). But following the narrative closely, the audience is left to wonder if the same energy would have been exerted in finding the culprit/culprits of the crime if Trisha Meili were to have been black or brown other than white.

Presenting ideologies of interest convergence in *When They See Us*, DuVernay presented the audience with shocking images of brutality against the five boys of color by the NYPD. In Episode 1 of the film series, the audience could see that the police stopped at nothing to get coerced confessions from the boys in a bid to solve the crime against Trisha. The Central Park Five were verbally and physically abused, denied food or a bathroom break for many hours. They were even denied the presence of a lawyer and a legal guardian as the audience continue to follow the brutal treatment of the boys throughout this episode. When Raymond Santana's father arrived at the precinct in his work clothes, he was broken when he saw the state of his son and he said to one of the detectives "you know my son ain't eaten since yesterday. It's been eighteen hours since you brought him in here can I go get him some food now?" The detective looked at him with open disdain as he spat out "I would go get him a lawyer instead if I were you." Santana Senior's shoulders sunk as the audience could see his devastation (DuVernay, 2019, Episode 1, 46:39). For Antron McCray, the abuse did not stop even after his father showed up at the precinct to be with him. Instead, the police in a bid to protect their interest, quickly pulls Bobby McCray, to

the side to cajole him into talking some sense into his son, Antron. The NYPD wanted Bobby to convince his son to admit to the crimes of raping Trisha. However, they knew Bobby was not going to do such a thing so they decided to blackmail him with the fact that he, Bobby, had done time in the past and they could use this to get him sacked from his work while also preventing him from getting any type of work in the future as well. The NYPD knew that Bobby needed to keep working in order to keep providing for his family and if word got out that he was a formerly incarcerated individual, it would be difficult for him to get work in the future. They preyed on these elements to get him and his son to cooperate so as to protect their interest as the police department.

The most painful scene in this episode was when Bobby McCray alone with his son in the interrogation room, knowingly asked him to confess to the crimes that he did not commit. “I need you to do what the police want you to do, you gotta say what they want you to say” Bobby sadly said to his son. “But they want me to lie” replied Antron. “Don’t think it like that, just say what they want you to say,” “but I ain’t do it!” Antron adamantly replied his father. Angry Bobby visibly shaking with bottled up rage and fear yelled “you are not listening to me, when the police want what they want, they will do anything, anything! They will lie on us, they will lock us up, they will kill us. I ain’t gonna let them kill my son. But you will do what they say, you will go along do you understand me? Do you understand me?!” “yes sir!” Antron replied as both father and son broke down in tears (DuVernay, 2019, Episode 1, 33:44). This scene is packed with images and symbolism. It shows the amount of power that Whites and the justice system of America still have on black people and people of color in general. It also shows the absolute hegemony of Whites and how they have the power to control people and pronounce them guilty at any time so as to

promote their interest. This hegemony that one race has over the other is what ultimately leads to racism and many other forms of brutality (Hogan, 2019).

**Education, Key to Challenging Hegemonic Ideologies.** Returning to my standpoint as it relates to the importance of education and how it liberates the mind, I still firmly believe that education can be used as a tool to combat hegemonic beliefs and white supremacist ideologies. Bobby McCray was easily manipulated by the NYPD because he was an uneducated black man. The odds are already against him as a Black man and coupling it with the fact that he was an uneducated hustling man, he was an easy target by the NYPD. Bobby was not informed enough to know his rights and how to act in such a situation and he was readily manipulated by those in power to implicate his own son which had long lasting consequences on both himself and Antron. As a matter of fact, his family was destroyed due to the fact that he let the police manipulate him into convincing his son to admit to a crime that he didn't commit. Immediately the verdict came back in 1989 and Antron was found guilty due to his confessions as the only evidence against him, Bobby abandoned his family because he felt he had brought this upon his son. Bobby would return to his family many years later when he was old and sick, and after Antron was released from prison. Later in 2019, when Oprah sat down with the real Central Park Five on her show, The Oprah Winfrey Show, Antron McCray was still especially traumatized by the events that happened to him thirty one years ago. He still maintains that he hates his father for what he made him do as a teenager back in 1989 and for abandoning his mother and himself as well. Antron also maintains that he does not see himself ever forgiving his father even after Oprah tried to convince him that she thinks Bobby tried to do what he thought was best for him at the time.

Oprah (2019) goes further to mention that perhaps if Bobby was well informed and educated at the time, he would have made better decisions. But as I mentioned earlier as it relates to my standpoint, I believe that no matter the level of privilege one enjoys, the intersections of race and sex can still be highly instrumental in one being discriminated against. I also believe that people of color are presumably guilty at all times especially when the intersectionality of class and sex come into play. For instance, one of the Central Park Five's parents was a well educated woman and she was well informed on what to do and how to act. Yusef's mother, Sharonne Salam was a journalist and she was not going to let Yusef go down for a crime he did not commit without a fight. The audience could see her rush to the precinct as she faces Linda "Are you already interrogating my son back there without me? He is a minor." "You can't stop us from interrogating a suspect. Who do you think you are?!" Linda retorted. "I am his mother and I am stopping this right now, right now I wanna see my son!" Yusef's mother pushed past Linda as she continued "you left a child without a guardian or a lawyer with these men in this room for hours, shame on you!" (DuVernay, 2019, Episode 1, 44:06).

The audience can see the tenacity and intelligence of Sharonne as she refused her son from signing a waiver even when the other boys did. She also immediately got her son a lawyer who guided him throughout the trial process and as a matter of fact, Yusef was the only one out of the five boys that did not confess to the crime. The NYPD could not get a coerced confession from him because his educated mother was there with him throughout, gallantly fighting for him. Sharonne even got him bailed out at some point but all her informed actions did not stop the narrative from being sad as Yusef was still found guilty in court and was sentenced to several years in prison. This dynamic points to the fact that no matter the privilege, the

intersectionality of sex, class, and race still plays a key factor in one being discriminated against and brutalized. No matter what Yusef's mother did, her son was still a black boy in America who is considered guilty at all times even when there are evidences that stated otherwise. A quote that also points to this can be found in Episode 2 of the movie as the voice of a TV reporter could be heard over people protesting for the Central Park Five in front of the precinct,

There was no solid evidence linking the defendants to the crime, no finger-prints, no blood matches. The prosecution's strongest weapons will come from the teenagers themselves in written and taped confessions. Defense lawyers argued the teenagers were pressured into confessing, that they were victims of a biased legal system anxious to solve a crime against a White woman. (DuVernay, 2019, Episode 2, 55:08)

Perhaps Bobby McCray understood this dynamic and the working of society whereby Whites will do anything to maintain their interest including killing people of color and that was why he convinced his son to admit to the crimes, to say what the police wanted to hear because he feared that the police might kill his son if he did not comply. Bobby understood what it is like to be a black man in America, to be a threat to people without even trying, by just being black. He also understood what it was like to challenge those with power as he had done time in prison himself and he did not want his son to be a victim as well. But no matter what he did, his son was still going to be a victim anyways by the mere fact that he is male and black. We can see the validity in this statement as Yusef Salam was also found guilty and sentenced to fourteen years in prison even without any evidence found against him, he was just a black boy in America.

**White Hegemony and Interest Convergence.** Throughout the movie series, audience can see power play as a result of race. Linda Fairstein stopped at nothing to ensure that the boys got a guilty verdict for the crime that they did not commit. Even after DNA evidence came back proving the boys' innocence, she still maintains her stance that the boys were guilty because according to her, "These boys are animals, how could they not have done it?!" (DuVernay, 2019, Episode 2, 31:34). Elizabeth Lederer, the lead prosecutor of the case after seeing Linda maintaining her stance that the boys were guilty even after DNA report stated otherwise turned to Linda saying, "You are delusional!" (DuVernay, 2019, Episode 2, 30:42). Linda did not care to conduct a proper investigation, all she cared about and wanted was for the boys to be found guilty and she was pleased when they were, and sent to jail. Several years later when Mattias Reyes confessed to the crimes that the Central Park Five were accused of, Nancy Ryan, a top deputy in the Manhattan DA's office and the lead in the reinvestigation of the Central Park jogger case, had a meeting with Linda while wanting to know why she did not conduct a proper investigation. Ryan also told Linda that the real criminal, Mattias Reyes has confessed to raping Trisha Meili. Defiant Linda maintaining her stance that the boys were still guilty replied "You have simply identified a sixth rapist. I have always said they may be more." Ryan replied her saying, "You simply said that to cover because you knew you coerced those boys into saying what they did." "They said what they said freely, they confessed" Linda replied. "I actually think you've convinced yourself of that" Ryan retorted irritably. Linda, cementing the ideology of white hegemony and interest convergence said "it doesn't really matter what you think. There is a police commission report coming out in a matter of days that maintains that the five did it, and that Reyes is simply the one

that got away. It's a 43 page report compiled by three lawyers named by the commissioner" (DuVernay, 2019, Episode 4, 1:10:31).

This statement made by Linda further shows that whites would go out of their way to maintain their interest and hegemony. Ryan found this ideology repulsive as she replied Linda, "It's the police department investigating itself. Linda, while you were writing crime novels, Kevin, Antron, Korey, Raymond, and Yusef were serving time for crimes they didn't commit." Linda was not going to easily give up the fight that people of color are presumably guilty at all times as she replied Ryan harshly, "We got justice for a woman who was violated in the most gruesome way. We got justice for a woman who was used and thrown away like garbage. Those boys did that. We helped make sure they got what they deserved and I'll be damned if I lose a wink of sleep over it" (DuVernay, 2019, Episode 4, 1:12:10). The implication of this statement made by Linda is that the person of color is always guilty even when all the evidences proves their innocence. The audience also begin to wonder if Linda was truly delusional or just too prideful to admit her errors as even today, she still maintains that the Central Park Five were somehow responsible for the crimes against Trisha Meili. This is an excerpt from her recent interview with *The New Yorker*, "I don't think there is a question in the minds of anyone present during the interrogation process that these five men were participants, not only in the other attacks that night but in the attack on the jogger" (Burke, 2019). Due to the controversy that *When They See Us* sparked, Linda was dropped by her publisher in 2019 and her Grand Master Award was revoked, being the first time in history that such an award would be retracted from the awardee (Burke, 2019).

There were also many reactions to Linda, the NYPD and the American justice system as a whole on social media after the film was released in 2019. There were a

lot of tweets on twitter and comments on Instagram as people expressed their anger and disgust towards the treatment of the Central Park Five. Many of the comments centered on the fact that the same energy would not have been exerted if the jogger were to have been a black woman (Burke, 2019). Many also commented that white people spring into action only if it serves their interest and that people of color are forever going to be discriminated against, used as scapegoats, and brutalized within society just like the Central Park Five were (Burke, 2019). Many commenters online drew a parallel between the experiences of the Central Park Five years ago and the experiences of many young men of color today within society in the hands of the American justice system. Many innocent young black men are being killed by the police or sentenced to prison unduly largely due to implicit bias and racism which also helps to maintain White hegemony (Burke, 2019). *When They See Us* has sure sparked many discourses online and within society on racism, microaggressions, implicit bias and police brutality as many social media users believe that racism advances the interests of Whites therefore, large segments of the American population who are also white, have few incentives to eliminate it (Delgado & Stefancic, 2001).

### ***Social Construction***

Delgado & Stefancic (2001) define social construction as race and races being products of social thought and relations. According to Delgado & Stefancic (2001), society also creates races and assign impermanent characteristics to those races. In *When They See Us*, DuVernay presents different images of stereotypes against people of color. She also paints a picture on how these stereotypes leads to discrimination, unjust treatments, and brutality against people of color within the American society.

**Societal Construction and Criminalization of the Others.** Throughout the film series, the Central Park Five were not presented as teenage boys, instead, they were

presented as animals and ravaging hoodlums. Linda Fairstein did not deviate from the thesis statement she formulated concerning the boys. According to her, the young boys were “animals,” “hoodlums,” “little piece of shit,” and they deserved to die. Audience could see racism and implicit bias at play in Episode 1 when Linda said to the detectives in charge of Trisha’s case, “round up every black boy you see in those projects, those boys are animals!” (DuVernay, 2019, Episode 1, 20:07). As the movie progressed, audience could also see that not for once did the American Justice system let the teenage boys just be boys as at some point, the NYPD knowingly changed the ages of the Central Park Five so that they would seem older and be ultimately treated as adults.

Right off the back, the boys became suspects to a crime that was not properly investigated and a crime that they did not commit. Linda’s strong conviction that the boys did actually commit the crime was that they were people of color who most of the times do not have fathers or any parental guidance and all they did to pass time was cause havoc and engage in criminal activities. Linda believed that because the boys were people of color, and because most of them came from the projects of Harlem, there was no way that they were not “animal,” and “criminals” who are capable of committing heinous crimes. Butler (2017) mentioned that there are various sad labels and characteristics that have been attributed to people of color and whenever most people in society see them, all they see are those negative stereotypes and attributes.

In Episode 2 of the film, Lederer, the prosecutor of the case, brought an eyewitness to the stand by the name of Dean and Lederer proceeded to ask her what she remembered on the night of the incident. Dean looked around the courtroom and began, “I don’t remember much but I do remember a group of boys and they were

making these animal sounds, like grunting. My fiancé and I were riding our bike and these group of boys were heckling us. We were completely terrified” (DuVernay, 2019, Episode 2, 28:47). Again, here is an allusion to the boys as animals and as immediate threats. As the audience follow the movie closely, they would realize that Dean and her fiancé only felt threatened because they were riding by a group of young black boys at night and this only meant one thing to them, danger.

Korey Wise, one of the Central Park Five, faced the harshest form of treatment in the hands of the American justice system because he was 16 years old at the time and presumably an adult. Korey was sent to Riker’s Island, one of the most gruesome prisons in America where he did some time. While at Rikers, Korey faced all sorts of physical, verbal, and mental abuse. He was so broken that he did not understand why anybody would ever be nice to him when Robert, one of the white prison officers at Rikers started treating him well. “Why are you so nice to me me?” Korey asked Robert one day as he was mopping the prison floor, a job Robert had gotten for him to get him out of the horrific isolation that he was in, and Robert replied calmly, “I got a little boy at home, If what happened to you had happened to him, at least I want to know that someone is treating him like a human being” (DuVernay, 2019, Episode 4, 37:40). This moment was a defining one for Korey because for the first time since his ordeal, somebody was kind enough to humanize him and not regard him as an animal or a ravaging criminal as he and the other boys have been presented in society.

After Korey had spent so many years in prison, Mattais Reyes came forward to confess to the crimes for which the Central Park Five had been charged and Nancy Ryan in charge of reinvestigating the case, went ahead to challenge one of the detectives that was in charge of the case in 1989. “There were four rape cases in

Harlem in the first half of 1989 and Mattais admitted to committing three out of those four. Why didn't you guys make the connection of the jogger case to Mattais but instead blamed five children and coerced confessions from them?" The detective replied to Nancy, "Don't let these animals fool you. Justice was fucking served" (DuVernay, 2019, Episode 4, 1:08:03). Even after Mattais repeatedly confessed to the crimes "I did this. I sinned bad and I deserve to pay for my sins. You got somebody else paying for mine. Nobody should be paying for mine," and the cases of the men were vacated in 2002, Linda Fairstein and the NYPD continued to present the boys, now men as animals, hooligans, and dangerous criminals.

### ***Differential Racialization***

According to Delgado & Stefancic (2001), this tenet suggests that if one minority group gains privilege in the United States, another is likely losing privilege. Throughout the narrative of the film series, it could be seen that the Latinos had it somewhat better than the blacks. When Raymond Santana, one of the Central Park Five who was also a Mexican, was being interrogated by the detectives, it is noteworthy that he was not as brutalized as the other four black boys. He was even coerced by the police to tell lies against the other four black boys, claiming he saw them raping the woman while he watched as a witness. The implication of the police's actions was that only black boys are capable of gruesome and high level crimes. It also goes to show that if one minority group gains privilege, another is likely losing privilege. According to Hunter (2017) minorities with light skin are more often than not, on the top of the ladder and they are also not as discriminated against as people with dark skin.

This is also due to the fact that over time, many things negative have been attached to Blackness which ultimately leads to these group of people being

discriminated against while losing some certain privileges within society. Consequently, the more this minority group (black people) is losing privileges within society, the more other minority groups are gaining privileges because in comparison to blacks, these other minority groups are considered better. Nancy Ryan opened the eyes of the audience to the biases of society as it relates to people of color when she addressed one of the detectives who was in charge of the case. “The real perp was walking through the park with her Walkman on, and drenched in blood. No cop looking for the other kids brings him in” (DuVernay, 2019, Episode 4, 1:05:33). Ryan through her dialogue, was able to highlight Hunter (2017) arguments that black people are intrinsically considered dangerous before anyone else as according to Ryan, the real criminal walked around free in the same park that innocent black young boys were being rounded up.

### ***Intersectionality and anti-essentiality***

In explaining intersectionality and anti-essentiality, Delgado & Stefancic (2001) explained that identity cannot be reduced to one essential element as people embody conflicting and overlapping identities, loyalties, and allegiances. Delgado & Stefancic (2001) also goes further to say that intersectionality and anti-essentiality denotes the layered and multiplicity of minoritized person’s identities and experiences, and, assumes that particular social groups can be defined by a narrow set of common experiences or characteristics shared by all members of the group.

Although there were some intersectionality at play as it relates to the experiences of the Central Park Five, there was also some intersectionality that shaped the experiences of their fathers as well. There was an intersectionality of race, class, and sex and this guided the lived experiences of all the major characters in the movie who were also people of color. The movie explicated how men of color cannot create

wealth for themselves, and how they are always subject to the constant screening of society's gaze. Due to this, men of color are easily manipulated by those in power as they are promised wealth and freedom in return, one of the things that is not readily available to them. As the audience follow the narrative of *When They See Us*, they see that all the fathers of the boys could not be with their sons at the precinct because they had to work multiple jobs and different shifts as that was their only means of survival. This goes to show that people of color can barely make wealth and they have to work extra hard to be able to provide for their family even if it means abandoning them in times of trouble. This was the element that the NYPD latched on as they tried to manipulate Bobby McCray into convincing his son, Antron, to confess to a crime that he didn't commit. The NYPD threatened Bobby with something that would break any man of color, unemployment, which ultimately leads to not being able to provide for his family.

The conversation that one of the detectives in charge of the case had with Bobby was very telling. "How long have you been at Imperial?" Bobby knowing something was not right, replied skeptically "about five years." "That's a good job. Your supervisor knows you did time right?" interjected the detective. "It don't really matter cos that's behind me now. I ain't been no trouble" Bobby replied fearfully. "Maybe not hunnn? Why don't you talk some sense into your kid!" the detective spat out as he pushed past Bobby (DuVernay, 2019, Episode 1, 31:17). This scene was quite symbolic as it portrayed that to be a black man in America who also happen to not be in the upper class, is very difficult as such an individual would be subject to constant manipulation and brutality.

As I mentioned earlier, all the boys who were of color rounded up on the night Trisha was brutally raped, came from the lower class of society and their parents had

to work extra hard to provide basic amenities: food, shelter, clothing, and education for them. Antron's father, Bobby, and Raymond's father, Santana, couldn't be with their sons when they were arrested and at the trials most of the time because they had to work their shifts. The boys having this type of family composition and from the lower class, are often easy targets for degradation, disenfranchisement, oppressions, and racism. This is so as they are not equipped enough to fight back against societal upheavals and injustices as the audience saw in the movie. Men of color in general have this negative stereotype of being callous, brute, and dangerous because they have no parental guidance as their parents worked all the time (Marriska, 2019). Men of color also have the negative stereotype that centers on the fact that they are intrinsically criminals, drug lords, and warlords because that is mostly the only type of work, they are capable of doing which leads to the implicit bias that makes them disproportionately killed by the police or incarcerated (Marriska, 2019).

Again, this is where my standpoint on education comes in. As I mentioned earlier when discussing my standpoint, I believe that education liberates the mind and sometimes lead to financial freedom. Many people of color do not have an education and they do not regard it as well (Goodwin, 2020). Kara (2019) in her poem *The Truth of Right Now* said it is not enough to get angry on the issues of racism, injustices, and police brutality but it is one's sole duty to get an education that would be the boxing gloves to fighting these prejudices. Her quote, "I am angry. It is illegal for me to be angry. Remember: Don't get angry. It is illegal to be a Black man and be angry. Right. Got it. I will remember this next time" (Kara, 2019), shows that the intersectionality of race, class, and sex would always shape the lived experiences of the black man in America.

### *Unique Voice of Color*

In discussing unique voice of color, Delgado & Stefancic (2001) mentioned that minority status confers a presumed competence to speak about one's own experiences of race and racism. After the men got released from prison several years later, they found it hard to reintegrate with society and their family. They even found it harder to get work as they were rejected everywhere they went because of how controversial and popular their case was: they had raped a white woman and left her for dead at Central Park. Because Raymond could not find work and was always staying at home, his stepmother would always disrespect him and even called him a sex offender one day. This statement infuriated Raymond because he knew his truth and how much he suffered for a crime he did not commit, so he started throwing a fit until his dad came to calm him down. Santana Senior said to his son "If you gotta live here you have to respect my wife!" "where was her respect?! I gotta live here mehnn, I ain't got nowhere else to go. I got nothing, I got nothing!" Raymond sobbed. "I am telling you son it is going to get easier" (DuVernay, 2019, Episode 3, 43:28) as Santana Senior moved in to hold his son in a comforting embrace.

Throughout the third episode of *When They See Us*, the audience could see the boys struggling to fit into society and their families while trying hard to get back to their old lives but this was impossible as they were all men now, men who had committed a heinous crime. That label hung over them and they sometimes got hate when they went to some places in New York. But this didn't stop them from speaking their truth. The boys were determined to change the narrative of their lives so when Yusef and Raymond went for their CR meeting, the woman in charge proceeded to address the almost crowded room saying, "Today we have Yusef Salam and Kevin Richardson, two of New York's most notorious sex offenders. The Wilding Boys of

Central Park” Yusef on his seat very close to Kevin, rolled his eyes and said, “This again!” The woman continued, “to be eligible for release, the offender must acknowledge having committed his sex offense. Okay Richardson stand up let’s start with you.” Just then, Yusef interjected “We don’t talk about our case” “I didn’t ask you Salam,” the woman retorted. Kevin who had been sitting still all this while suddenly said “If you don’t mind ma’am I won’t say anything.” “well, in my class that’s not an option.” Kevin replied her, adamantly this time saying, “I don’t admit to the crime cos I like to stick to the truth!” Obviously irritated, the woman spat out “you are a convicted class three sexual predator!” Just then, Yusef sprang up “See that’s the law, not the truth. Let me illuminate you. When the state of New York put us on trial, did we accept the plea they offered us? No. and why is that?” Kevin interjected “Cause we didn’t do the crime and we don’t want to lie.” Yusef looked over at Kevin with a smile and continued, “so when we never lied before, why would we start lying now for you?” The woman, exasperated at this point said, “Salam this is what the fifth group you’ve been asked to leave?” Yusef replied with a grin “you do what you gotta do” as himself and Kevin walked out of the room amidst open gaze from other ex-convicts (DuVernay, 2019, Episode 3, 1:02:42)

**People of Color and their Lived Experiences.** The Central Park Five were more determined than ever to talk about their experiences with the American justice system and how racist and biased it was to them. They had the authority to do this because according to Delgado & Stefancic (2001) minority status confers a presumed competence to speak about one’s own experiences of race and racism. This was an experience they had firsthand and they were willing to talk about it so as to change the narrative that society had and still have about them. At some point in the third episode of the movie narrative, Antron took his girlfriend, Adelle, out but she got upset that he

does not take her to fancy places just like other couples do. Antron proceeded to make Adelle understand that he had to save for school and get the life that was stolen from him back. Antron also went ahead to tell Adelle that if he makes her unhappy then it is better they went their separate ways. Adelle immediately got angry and called him a sex offender and a felon “I know what you did to that woman. you fucking felon!” “I didn’t do it!” Antron whispered softly under his breath as Adelle stormed off, leaving him standing alone in the street (DuVernay, 2019, Episode 3, 53:39). This was the lived reality of all the men when they got out of jail although they did their best to debunk every negative claims that people shot at them. When Yusef went into a barber shop to get his haircut, the moment he sat down the barber started talking “Man, I think you’ll find most folks up in the neighborhood, they know the real story on you boys. But south of 110<sup>th</sup>, I can’t say. Down there, they is ignorant. And we is never innocent. But if I was you I’d stay clear of the park.” Almost immediately, one of the barber’s customers replied him while also addressing Yusef, “I think you should go everywhere. You know live like a free man, don’t box yourself in” (DuVernay, 2019, Episode 3, 1:05:03). Ultimately, living like free men was all the men wanted as they did not do the crime they did time for. Yusef and Antron vowed to go back to school so that they could be properly equipped to speak their truth and fight against racism and police brutality against people of color. They also wanted to go back to school so that they would have the adequate knowledge to rewrite their narrative.

All Raymond wanted was to get a good job and attain financial freedom so that he could take care of his family but all his efforts were futile as his lawyer told him the several restrictions that was on him due to his status as an ex-convict and a sex offender. Against all odds, Raymond found a job after he was rejected a multiple

times by several potential employers but he lost the job almost immediately because they were not comfortable having a sex offender around the workplace. Due to the fact that he could not find work anywhere else, Raymond out of frustration started selling drugs to make ends meet. His father was not comfortable with what he was doing and he told him off when Raymond offered him money from his drugs proceeds, “Get that out of my house, get it out of my house!” Raymond replied his father calmly, “when everything was going on, I couldn’t really follow what was happening. I didn’t get it. Inside I started reading the articles, how they wrote them against us from the first days, all the transcripts, the straight up lies they told. I watched my tape. I don’t even know who that fucking kid is. I don’t even recognize myself.” Raymond’s father determined to help his son out of his mess said to him, “I know Ray, I know but what those people stole from you, you can’t buy back. Can’t buy back, not with money, not with hustling not with none of that shit. Cause its gone, its done. But you don’t gotta be what they said you were” (DuVernay, 2019, Episode 3, 1:06:22).

Raymond did not believe that he was a criminal, he believed he was only doing his part to survive in a cruel world that didn’t leave him any choice, so he continued selling drugs. He also believed that his current position is a well crafted plan of society to keep people of color under so the justice system incarcerate them disproportionately and when they eventually get out as men of color, they don’t feel free as they can’t get jobs or take care of their families. When Raymond was finally rearrested by the police for dealing with drugs, he felt defeated by society. He felt powerless against the mighty hands of the justice system who decides who is free and who is forever a prisoner and so he starts soliloquizing “We was just out, we was just hanging out. They said boys will be boys. When they say boys they are not talking

about us. They are talking about other boys from other places. When did we ever get to be boys? I can't be something I am not. I ain't a citizen. They don't want me to be. I don't even want to be. I am somewhere I don't know. Half in, half out. No matter where I go" (DuVernay, 2019, Episode 3, 1:07:49). This statement touched on the institutionalized racism against people of color especially men as they are being disproportionately incarcerated within the American society while also being treated as second class citizens.

### **The Fight Against Judicial Brutality and the Uniqueness of the Voice of Color.**

Korey Wise, one of the Central Park Five, was also ready to fight against the institutionalized racism and biased judicial system in America as he faced Parole board members multiple times during the course of his 15 years in jail. The parole board members would each time, tell Korey to accept full responsibilities of his crimes and agree to the crimes of which he has been found guilty but on these several occasions, Korey would refuse to admit to the lies about him and this ultimately led to him spending more time in jail. Korey was always ready to tell his truth while also speaking on the racism and extreme brutality he has had to face in the hands of the American justice system. When the Central Park Five were finally exonerated of all crimes in 2002, Elombe addressed the little crowd that gathered at the park to celebrate the men.

Betrayed by this city, these men were just boys when they were wrongfully accused and wrongfully convicted. They were finally freed not because justice was pursued, but because somebody came forward to tell the truth. If the police had done their job at any point in these last 12 years, if the prosecutors, if the press had done their job not only would five young lives not have been destroyed, but many women would not have been subjected to the violence by the actual rapist. The real

criminal was free to rape, and even kill, while the police and prosecutors and puppets like Donald Trump patted themselves on their fat backs. But we didn't give up on these men. (DuVernay, 2019, Episode 4, 1:14:27)

As the crowd cheered the men on, Elombe continued "We are so proud to welcome these men as they are finally awarded the proper settlement for their damages. As their records are cleared and they're fully exonerated for the lies told about them. As they step in fully forward into the light of their lives despite what this city and this country has done to them and millions like them for generations" (DuVernay, 2019, Episode 4, 1:15:57). In 2019, the five exonerated men sat down to talk with Oprah Winfrey on her show about their experiences while in jail and after they were released. They also touched on the themes of racism, implicit bias, and police brutality against people of color in America and how these are institutionalized elements to maintain white hegemony while keeping people of color under. The five men now go about participating in forums, conferences, and universities talking about their stories while encouraging people to act and not be silent in the face of racism and police brutality. They are also calling on a police reform where all officers would be properly educated on implicit bias and microaggression and how this leads to racism and police brutality against people of color. They believe that education is the way to the liberation of people of color and everyone has a part to play in achieving a better society void of hate based on color or gender.

### **Summary**

This chapter highlights the six tenets of CRT which are: Endemic Racism, Interest Convergence, Social Construction, Differential Racialization, Intersectionality and Anti-essentiality, and Unique Voice of Color while pulling examples from *When They See Us*. These tenets also helped in the exploration of the

themes of racism, microaggression, implicit bias and how all these led to police brutality against the Central Park Five. The boys were rounded up specifically because they were of color and according to Linda Fairstein, only boys of color were capable of committing such a heinous crime of brutally raping Trisha Meili and she stopped at nothing to ensure that the boys were found guilty and sentenced to jail. Throughout the movie series, Linda and the NYPD referred to the boys as animals and they treated them exactly like that. After a very short court hearing, the boys were found guilty and sentenced to fifteen years in prison. When the men got out of prison, it was very difficult for them to find work because of the label of formerly incarcerated that hung over them. Many people in society even continued to hate and persecute them and the boys were only able to ease back into their normal lives after their crimes were vacated in 2002 as they were exonerated. They also received a settlement from the state of New York for wrongful conviction but according to Yusef, there is no amount of money that can buy back time or erase the experiences that they had in the hands of the American justice system. The men's experiences in the movie as it relates to institutionalized racism, microaggression, implicit bias and police brutality are instances that highlights what is still happening within society today which not only point to how important this story is, but the work that needs to be done so more individuals don't meet similar fates within the American society.

## CHAPTER V

### DISCUSSION AND CONCLUSION

This analysis used Critical Race Theory (CRT) to analyze the movie series *When They See Us*. Throughout the film, the experiences of the five men of color create a commentary on the topic of racism and microaggression and how these elements connect to police brutality against people of color in America. In this chapter, I summarize the findings of my analysis related to this research question:

RQ: How are the concepts of Critical Race Theory reflected in *When They See Us*?

#### **Endemic Racism**

*When They See Us* presents a world where young Black men are described as “animals” and where implicit bias is portrayed in the actions of the justice system. The term “wildin” created a stereotype of the five young men as uncontrolled and dangerous. This portrayal is in keeping with Satchel’s (2017) research who posits that the media propels people to believe in a certain ideology by constantly presenting that ideology in a certain way thereby, consumers begin to accept what they see in the media as facts and truth. Satchel (2017) goes further to say that when it comes to the Black and White binary, the media has for a long time promoted stereotypes that has cemented hegemonic beliefs whereby Whites are on top and Blacks beneath. Consequently, these stereotypes also influence the perceptions and biases of audiences and consumers whereby they begin to attach all things negative to blackness and all things positive to whiteness.

## **Interest Convergence**

Bell (1980) holds that racially progressive measures are systematically rolled back when those measures no longer serve the interests of Whites. The second episode in the series portrays the coerced confessions of the Central Park Five, and how the justice system used the lack of education and economic resources of the boys and their families to promote their conviction. Bell (1980) also mentioned that just as many terminal cancer patients are motivated to live more meaningful lives after their diagnosis, black Americans can find hope and meaning despite the truth of racial realism. Bell (1980) goes further to posit that black Americans should seek remedies to racial injustices by acknowledging the interest convergence principle. *When They See Us* has sparked many discourses online and within society on racism, microaggressions, implicit bias and police brutality as many social media users believe that racism advances the interests of Whites therefore, large segments of the American population who are also white, have few incentives to eliminate it (Delgado & Stefancic, 2001).

## **Social Construction**

Throughout the movie series, the Central Park Five were not presented as teenage boys, instead, they were presented as animals and ravaging hoodlums. Linda Fairstein did not deviate from the thesis statement she formulated concerning the boys. According to her, the young boys were “animals,” “hoodlums,” “little piece of shit,” and they deserved to die. According to Casey, Darrell, Jeffery and Noah (2009) many Black men are being disproportionately killed in America by law enforcement because these officers feel automatically threatened by these men and their skin color. The slightest move from these men of color could lead to them being shot and killed. Casey et al (2009) also posits that the reason why this is so is largely due to implicit

bias, racism, and the negative stereotypes that have been attributed to these select group of people. *When They See Us* reinforces how the social construction of people of color leads to these negative consequences.

### **Differential Racialization**

Nancy Ryan opened the eyes of the audience to the biases of society as it relates to people of color when she addressed one of the detectives who was in charge of the case. “The real perp was walking through the park with her Walkman on, and drenched in blood. No cop looking for the other kids brings him in” (DuVernay, 2019, Episode 4, 1:05:33). Due to how history played out, many men of color have often found themselves in the lower class of society and coupled with the fact that they are men and of color, they are also often subjected to the piercing scrutiny of society due to the negative stereotypes that hangs above them (Kristen, 2016). This singular factor has led many men of color to be disproportionately incarcerated and according to Casey, Darrell, Jeffery and Noah (2009), although Blacks make up only 13% of the general population, almost 29% of black males are expected to go to prison, compared to less than 5% of White males.

### **Intersectionality and Anti-essentiality**

The intersectionality of race and economic status played an important role in how the Central Park Five were treated and their sentences handed down. The imbalance of power led to coerced confessions that continue to limit the ability of these five men to re-integrate into American society. DuVernay allows for the audience to construct what it means to be a person of color as well as what it means to be male and black in America. DuVernay features certain actions such as the police randomly stopping and arresting young black boys, the boys fearfully running away in different directions from the police, the boys not being able to find work after serving

time in prison, and many other experiences to give an overview of what the lived experiences of people of color are like.

### **Unique Voice of Color**

*When They See Us* has provided a forum for black voices to be heard. The Central Park Five now go about participating in forums, conferences, and universities talking about their stories while encouraging people to act and not be silent in the face of racism and police brutality. They are also calling on a police reform where all officers would be properly educated on implicit bias and microaggression and how this leads to racism and police brutality against people of color. They believe that education is the way to the liberation of people of color and everyone has a part to play in achieving a better society void of hate based on color or gender.

### **Limitations of the Study**

Limitations to this study includes the fact that there are many other tenets of CRT apart from the six that was utilized in the analysis of this thesis. I chose to focus on the six tenets of CRT that was utilized in the analysis as I could not fit all the other tenets of CRT into the scope of this study. The utilization of these other tenets such as: Racial realism, myth of meritocracy/colorblindness, Whiteness as property, and the critique of liberalism could have resulted in a different finding as well as an expansion of the topic of racism and police brutality against the people of color in America. There are also multiple other examples of racism and police brutality against people of color throughout the series that was not included in the analysis. The inclusion of these examples could have also provided more insight on the topic of police brutality and racism. However, the examples chosen for this study were done so because of their significance to the plot of the series and were found to be pivotal events in the lives of the Central Park Five.

Furthermore, this is only one film series explored in this thesis, therefore an avenue for future research could be exploring the issue of racism and police brutality by utilizing other film series. Within the thesis, I have mentioned other films that fall in the same genre including *Selma*, *12 Years a Slave*, and *I am not your Negro* which would be films that could help corroborate or diminish the different findings within this study. Also, this study was done largely from exploring police brutality against people of color from the perspective of Ava DuVernay and a different finding could be made if other movies by a different director were explored. While Duvernay's story is inspired by true events about the Central Park Five, these aforementioned films incorporate different angles that could add to the analysis of racism and police brutality against people of color in America.

This study also only explored racism and police brutality against people of color in America. The dynamic of this thesis and the findings could have been different if the experiences of people of color who are not in America or Americans, were to have been explored. The dynamic of the thesis would have also taken a different turn if the experiences (as it relates to racism and police brutality) of Americans who are people of color but not living in America were to have been explored as well. This could be another avenue for future research.

## Conclusion

Within this critique of the movie series *When They See Us*, I utilized Critical Race Theory (CRT) to highlight important aspects of the film that connected to racism and police brutality against people of color in America. The findings within this thesis sought to explain the connection of racism and microaggression to police brutality against people of color in America as well as present the lived experiences and the everyday struggles of people of color in America. The findings further showed that microaggression is influenced by implicit bias, racism, and stereotypes which ultimately leads to the injustices and oppressions of people of color within the American society. The lived experiences of the Central Park Five presented the ideology that several intersectionality are at play when it comes to the person of color being brutalized by the justice system of America. One of the intersectionality is class as the audience could see that all of the boys came from the lower class of society and they did not have enough economic power to fight the injustices that they were faced with.

By incorporating the ideas of standpoint theory which is an important aspect of Black Feministic Thought and counter-storytelling and intersectionality in CRT, the study shows that racism is entrenched in society and is an element that cannot be easily eradicated. It also shows the impact of racism on people of color and to those privileged by their color. The incorporation of this theory also shows that education is key in liberating the mind and fighting the injustices against people of color. Today, the Central Park Five go about participating in different conferences and forums as they educate people on the connection of racism and police brutality as well as the impact of implicit bias on people of color. The men are also encouraging people to act and not be silent in the face of racism, injustices, and police brutality. They are also

calling on a police reform where all officers would be properly educated on the dangers of implicit bias and microaggression and how these elements, lead to racism and police brutality against people of color. The Central Park Five believe that education is the way to the liberation of people of color and everyone has a part to play in achieving a better society void of hate based on color or gender.

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