4-2020

# Counter Stories in Counterpublics: Exploring Documentary as a Form of Activist Media to Counter Reinforced Stereotypes about the Criminalization of Black Men

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# COUNTER STORIES IN COUNTERPUBLICS: EXPLORING DOCUMENTARY AS A FORM OF ACTIVIST MEDIA TO COUNTER REINFORCED STEREOTYPES ABOUT THE CRIMINALIZATION OF BLACK MEN

by

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A thesis submitted to the Graduate College
in partial fulfillment of the requirements
for the degree of Master of Arts
School of Communication
Western Michigan University
April 2020

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Western Michigan University, 2020

A story told can change the world. Storytelling has been around since the inception of human communication and has been used as a tool to educate, preserve cultural values, and make meaning of our existence. More recently, storytelling has been used in activist and social change movements. One approach to social justice storytelling is through filmmaking: creating films as a tool to disrupt, interrupt, amplify, organize, shift power and create lasting, transformative change in communities. Specifically, social justice-oriented documentary film and media can be used as a vehicle for those who are in counterpublic spaces to argue against mainstream discourses to formulate oppositional interpretations of identities, interests, and needs of marginalized groups. This study will use critical race theory to examine to what extent, if at all, Harry Moses' documentary, *Guilty Until Proven Guilty*, is framed as a social justice film, explore the possible ways the film constructs a counter narrative that acts as a voice for those in counterpublic spaces, and analyze the potential similarities and/or differences found in the framing of criminalization of Black men in the film versus mainstream, traditional news media.

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# INTRODUCTION

A story told can change the world. Storytelling has been around since the inception of human communication and has been used as a tool to educate, preserve cultural values, and make meaning of our existence. More recently, storytelling has been used in activist and social change movements. One approach to social justice storytelling is through filmmaking: creating films as a tool to disrupt, interrupt, amplify, organize, shift power and create lasting, transformative change in communities.

With America's long history of oppression and exclusion of minorities, it is important that marginalized groups and people of color have a space to communicate their lived experiences in order to push the mainstream public sphere to acknowledge and respond to their realities. Author Chimamanda Ngozi Adichie explains it best in her 2009 Ted Talk, "The danger of a single story."

> All of these stories make me who I am. But to insist on only these negative stories is to flatten my experience and to overlook the many other stories that formed me. The single story creates stereotypes, and the problem with stereotypes is not that they are untrue, but that they are incomplete. They make one story become the only story (12:49).

One way to ensure that does not happen is through film. Specifically, social justice-oriented documentary film and media can be used as a vehicle for those who are in counterpublic spaces to argue against mainstream discourses to formulate oppositional interpretations of identities, interests, and needs of marginalized groups. Mainstream media often tells one side of a story, one narrative without offering opportunities for "the other" voices to be heard. Counterpublics fight against that in many ways, and this study will explore the extent to which

documentary can be used as a voice for those in counterpublic spaces to target dominant narratives.

This study will use critical race theory to examine to what extent, if at all, Harry Moses' documentary, *Guilty Until Proven Guilty*, is framed as a social justice film, explore the possible ways the film constructs a counter narrative that acts as a voice for those in counterpublic spaces, and analyze the potential similarities and/or differences found in the framing of criminalization of Black men in the film versus mainstream, traditional news media.

Documentaries are about reality, are about real people, and tell stories about what happens in the real world (Nichols, 2010). This project focuses on a documentary about the reality of a Black man navigating the criminal justice system for a crime he says he did not commit to explore how, if at all, documentaries can be used to educate about the criminalization of Black men in ways that mainstream news media does not. Thus, this topic is worthy of study because now more than ever, documentary film and media are being used as a form of activism. Little research has been done to understand how the creation of films for social justice – used in counterpublic spaces – can be used to combat dominant narratives and foster conversations for actual, sustainable change.

A literature review will detail the following key concepts being implemented in the current study: storytelling through the medium of documentary film, activist film and media, mainstream news media, counterpublics, and critical race theory in the role of the criminalization of Black bodies. Documentary is one form of storytelling that is becoming wildly popular in social movement work and activist spaces (Bell, 2009; Phillips, 2012; Senehi et al., 2009; Buchanan, 2015). Because documentary can be used as a form of storytelling, it has become a

popular form of activist (or alternative) media used to express diverse perspectives and counter dominate – and often negatively stereotypical – narratives as a form of resistance (Jansen et al., 2011; Canella, 2018; Roberts, 2014; Lievrouw, 2011). Relatively, mainstream news media has historically excluded narratives that do not uphold and reinforce oppressive characterizations and stereotypes of minorities (Squires, 2007; Holt, 2013). More specifically, media coverage of crime usually overexposes and portrays Black people and minorities as criminals due to the dominance of White viewpoints (Holt, 2013). Constantly consuming these negative images impact the perceptions of Blacks and minorities, subjecting them to always be violent, aggressive criminals (Mastro, 2017; Peffley et al., 1996). In order to counter these hegemonic narratives being told by mainstream media, counterpublics work to bring to light members of marginalized and displaced communities that have been excluded from mainstream channels in order to shift perspectives of dominant publics (Asen & Brouwer, 2001; Kuo, 2018; Jackson, 2016). Because race and crime go hand-in-hand, understanding critical race theory and its role in the criminalization of Black bodies (especially Black men) needs to be taken into account. Critical race theory explains how and why racism still persists, especially in the criminal justice system, and why Blacks are automatically saturated with criminality because of the color of their skin (Harris, 2015; Bey & Alexander, 2016).

It is recognized that additional identities other than Black men are also impacted by criminalization and the injustices within the criminal justice system as a whole, such as those who identify with the following groups (but are not limited to): women, African Americans, Latinx, LGBTQIA (lesbian, gay, bisexual, transgender, queer, intersex and asexual), impoverished, immigrants, and mentally ill (Menjívar et al., 2016; Balfour, 2013; Hoffman, 1990; Peterson & Panfil, 2014; Gustafson, 2011; Monk, 2019). However, since *Guilty Until*

*Proven Guilty* focuses on the story of a young Black male, this study will specifically focus on the criminalization of Black men.

This thesis project contributes to the existing body of scholarly knowledge by offering insight on to what extent, if at all, documentaries that specifically follow a social justice framework (Ortner, 2017) can be used by those who are in counterpublics to disrupt hegemonic narratives and amplify marginalized voices to address critical issues, specifically the criminalization of Black men, in ways that mainstream media does not because of the sociohistorical influences of White, hegemonic frames that news tend to follow.

## LITERATURE REVIEW

### Storytelling Through Documentary

Storytelling is a powerful and positive tool that offers the opportunity to bring everyone to the table, validates lived experiences and uses that as a way of studying the multifaceted society we all share but live differently in. Storytelling also offers the chance to question whose stories are heard, whose are overlooked, whose stories are respected and resonated in culture and whose are treated as invalid. According to Bell's 2009 arts-based race and social justice curriculum, there are four main types of stories: stock stories (hegemonic stories that reinforce and support the status quo), concealed stories (stories that talk back to the stock stories, that challenge them and speak otherwise), resistance stories (stories that acknowledge that we are historical beings and that there are masses of people who came before us who have tried to challenge inequality in the status quo and in stock stories to rationalize them) and counter stories (stories that draw from critical race theory and the notion that counter storytelling is a political

practice used to establish new stories that challenge the status quo, give an alternative version of reality and can resonate with people who have been discounted from mainstream stories).

Understanding the functions of storytelling combined with social movements and civic engagement helps identify how to fight against systems of oppression by offering counter and resistance stories that fight against dominant narratives, often within marginalized groups. Engagement with stories and storytelling can provide possibilities for people to express agency and meaning making of justice (Phillips, 2012). In terms of social justice, which is understood to be the presence of justice through all aspects of society, storytelling has the ability to "foster shared power and mutual recognition, creates an opportunity for openness, dialogue, insight and brings issues to consciousness" (Senehi et al., 2009). Storytelling also has the capability of recognizing resistance in order to understand the correlation between structure and human agency, bonding hearts and minds through stories being shared, thus making people more effective as producers of knowledge and social change (Senehi et al., 2009).

One form of storytelling can be practiced through documentary. Documentary, allegedly coined by polemicist and social activist John Grierson (Renov, 1993), can aid in connecting structure and human agency to advocate for social change. It has the capability to personify social justice issues in a way that allows society to genuinely learn about and digest topics like oppression, systemic discrimination and structural inequities. Documentaries are a creative treatment of actuality (Renov, 1993) that give us a deeper outlook, widen our perspective and open our eyes to lived experiences that are different from our own.

Traditionally, documentaries "address the world in which we live rather than a world imagined by the filmmaker" (Nichols, 2010). They aim to give the audience a true, authentic

representation of the world that we occupy. Though documentaries came to fruition as early as the 1920s, the genre truly began to take off in the 1980s through indexical documentation, poetic experimentation, narrative storytelling and rhetorical oratory (Nichols, 2010). Since documentaries are about reality, honor facts and refer directly to actual situations or events, the end goal of any documentary film is to balance the creative vision of the filmmaker with a respect of the historical world with a distinct perspective (Nichols, 2010).

Theoretically, documentaries have four purposes: 1) to record, reveal or preserve, 2) to persuade or promote, 3) to analyze or interrogate and 4) to express (Renov, 1993). The first purpose holds weight on the replication of what is historically real. The second purpose is to understand the effects of history to mobilize the rhetoric of truth. The third tendency invests in the belief of representation, codes that confirm that belief, investigates the material processes that are involved in the production and questions how these processes are being known to viewers. The last tendency aims to apply verbal and illustrative eloquence as well as a flare of poetic language and other artistic features to create stimulating effects (Renov, 1993).

Due to the storytelling power of documentaries, it is important that audiences are "able to trust the indexical linkage between what we see and what occurred before the camera and to assess the poetic or rhetorical transformation of this linkage into a commentary or perspective of the world we occupy" (Nichols, 2010, p.36). Several studies (Pali, 2014; Kara, 2015; Leuthold, 1996; Buchanan, 2015) indicate this importance and how it can transform our perspectives about the lived experiences of others. For example, a study exploring restorative justice through a new media documentary *Inside the Distance* (Pali, 2014) demonstrates how the use of new media technologies and documentary strategies look into how activist art practice has a direct role in changing social conditions, serving as an "opportunity for dialogue and addresses the

intersection of artistic and social practices" (p.85). The exhibition brought together four projects that created a setting for numerous viewpoints, engaged public participation, introduced marginalized and silenced voices and presented alternative visions in order to enable public engagement with questions of social justice across social, racial, political and racial boundaries (Pali, 2014). Through research, inquiry and theoretical exploration, results of the study showed that new media technologies and documentary strategies have the power to "introduce marginal and often silenced voices and present alternative visions, enabling public engagement with questions of social justice" (Pali, 2014, p.90).

Documentary film can persuade or convince us to think one way or another dependent on the strength of the filmmaker's voice and point of view (Nichols, 2010), but audiences are left to produce their own critically informed opinion based on the information given to them. In a study done by Naald (2015), he explores the ways the documentary *MIND ZONE* moves viewers into critical stances toward the U.S. military mental health program using discourse analysis of the film and interviews using Jacques Lacan's theory of educating, governing, desiring and protesting/transforming (or revolutionizing) to analyze how the film challenges audiences to produce their own opinions. Results concluded that "revolutionary potential and social change is activated when the viewer is driven to questioning, not when the viewer immediately accepts what is presented as truth" (Naald, 2015, p.215). The beauty of documentary film is that it is often a stepping stone to asking the tough questions and fostering necessary conversations to address radical social change.

Not only does documentary film challenge viewers to think critically and come up with their own opinions, they also aim to challenge the opinions of greater society – often ones rooted in stereotypes depicted in mainstream and mass media. Leuthold (1996) examines this in a study

about the issue of telling local histories by investigating the assumption that native-produced documentaries portray native lives in history that is real or "truer" to life than non-native mass mediated forms and how "documentary acts as a form of truth speaking" (p.29). Leuthold (1996) explains that documentaries are a form of historical discourse that is an important part of self-other dialogue between cultures. The one who controls the TV is the one who gets to write history, and indigenous documentaries specifically tie the past and the present, providing a direct connection between their lives today and their past. The public mass-distributed nature of film and video, on the other hand, tells native histories to a broader audience, often lacking an intercultural connection and a connection to indigenous identity.

Lastly, documentary is also used as an educational tool. In a study done by Buchanan (2015), she examines how elementary preservice teachers used four documentaries to encourage students to think historically about the U.S. Civil Rights Movement. By implementing a descriptive case study with questionnaires, anticipation guides, recorded class discussions and written reflections using a framework for historical thinking and analysis, Buchanan explored the need to incorporate "filmic counter-narratives and historical inquiry" (p.47). by using film as a tool to think historically. Results showed that the documentary films facilitated the students' historical thinking and "recognized the role of different perspectives in understanding history and reflections and discussions" (Buchanan, 2015, p.52). that aided in their perspective recognition. One student explained,

> "The videos we have watched have definitely helped me become more of a historical thinker because I was able to see and hear many primary sources. I feel like most of my life I have only had access to the dominant narrative. Through these videos I was able to change that" (p.52).

Sometimes it is not enough to read about something. Documentaries offer a visual representation that often has an impact stronger than any textbook by contrasting the dominant narrative in order to offer a different lens toward a historical event or theme, fostering historical thinking and historical content knowledge (Buchanan, 2015) in order to – as mentioned earlier – help people become more effective producers of knowledge sharing.

## Activist Film/Media

The images that we consume directly affect how we think about and understand the world, and media used meaningfully impacts the perceptions, emotions and actions of audience members. Because most channels for public communication in democratic societies are now dominated by messages created by commercial and mainstream media, advertising and public relations, forms of activist film and media, or alternative media, can be used to expand the range of diversity of information, interpretive strategies, and resources available to the public (Jansen et al., 2011). Today, underrepresented groups are actively seeking and creating alternatives to white-dominated media because of the history of racist and stereotypical discourses and imagery (Squires, 2009). Activist-oriented film and media has the capability to express diverse perspectives in the digital age by exploring issues and topics at a grassroots level. This form of media is often community-based and gives local residents an opportunity to have a voice, share strategies and collectively communicate the tools needed to fight systems of oppression. Moreover, it also has the potential to facilitate and explain the global inequalities in the distribution of power and resources (Jansen et al., 2011), amplify demands for radical change, advance solidarity among grassroots groups, and connect local organizers to national and transnational movements for justice (Canella, 2018).

This form of new media has become largely associated with policies designed to get more people active in voicing their dissent (to disagree with or take an opposing view to the majority), creating relationships with formal political systems and urging people to engage in democratic practices and become involved with grassroots political topics (Roberts, 2014). With advancements in computing and information technology, communications networks and digitized media and information content, digital technology today is making it easier for communities to use tools like activist or alternative media and film for modes of activism, dissent and resistance (Roberts, 2014). Further, it is argued that social justice theorists and scholars must include ample understandings of the role that media and communication play in struggles for social justice (Jansen et al., 2011).

In addition, activist and alternative media works to counter dominant narratives from mainstream media and information industries and disrupt the industrial-style system of sending and receiving information, allowing people to not only be media audiences and consumers, but media users and participants as well (Lievrouw, 2011). What makes certain uses of new media alternative or activist is its greater emphasis on citizen, activist, or community engagement with issues and movements through the internet and related technologies to challenge or alter dominant ways of society, culture and politics (Lievrouw, 2011). Also, activist film and media can be closely related to media justice, which speaks to the need to go beyond creating better access to the outdated media structure by taking into account history, culture, privilege and power and a new vision for its structure, access and control (Harter et al., 2009).

With the birth of social movements like Black Lives Matter and others that are fighting for the liberation of marginalized communities, there has been an increased reliance on activist media production that bypass traditional media institutions and news organizations to produce

and distribute original multimedia content. In a study done by Canella (2018), he demonstrates how cop-watching and video activism illuminate law enforcement misconduct and elevates the discourse of social movements. This surveillance study focuses on the online and offline activism of the Black Lives Matter (BLM) movement and the ways that law enforcement has targeted the movement and its supporters. Filming the police helps counter hegemonic messages and challenges police authority, structural racism and economic inequities, all of which are key elements of BLM (Canella, 2018). The study found that counter-surveillance tactics such as cop-watching or video activism reveal how videographers and filmmakers are targeted by law enforcement due to a perceived threat to state authority, using social media as a tool for challenging various forms of racial profiling, raising public consciousness about police abuse and reflecting on the broken system of policing within Black and brown communities (Canella, 2018).

However, it must be realized that activist film and media will not solve everything; there needs to be long-term organizing for change with structural, political and economic problems (Ortner, 2017) and activist film and media must be "amplified and driven home by additional mechanisms" (p.530) in order to bring about sustainable, lasting change into the real world. In an ideal world of socially conscious filmmaking, a film that powerfully addresses issues should work as a direct provocation to audiences, causing them to take action (Ortner, 2017). Additionally, activist film and media in the social enterprise sector can desire to do good, but may not succeed at accomplishing their end goals. Ortner (2017) compared two film companies: Participant Media (which is traditionally Hollywood) and Brave New Films (an independent, non-Hollywood company), both of which strive to create media for social change. Within his study, he compares social impact (Participant Media) versus social justice (Brave New Films), in

which social impact agendas addresses social problems as technical problems to be fixed while never raising questions about the conditions of power and inequality that cause problems in the first place, whereas social justice agendas critically address issues of power and inequality – that of which Participant Media fails at doing. In sum, when engaging in media for social change, it is important to operate within a social justice agenda framework, something that mainstream outlets struggle with. Since mainstream and traditional news media is the common go-to for information among most publics, diverse stories that address issues of power and inequity are often not given the same opportunities to be recognized, especially in marginalized and underrepresented communities.

## Mainstream News Media

Dominant and mainstream media is composed of the major mass communications industries and their products, often dominated by white Americans since the development of the press, and systematically work to overrepresent Blacks as criminals (Squires, 2009). Dominant social institutions, including mainstream media, has and continues to uphold and reinforce oppressive characterizations and stereotypes of Black people to uphold and justify White authority (Squires, 2007). Though Black people have continuously worked to alter and dismantle dominant definitions of Black identity with the use of alternative media – like the Black press – since the 1820s (which has successfully provided important counternarratives to mainstream definitions and understandings of racial and ethnic identities), research also shows that "mainstream media portrayals of racial groups, racial policy issues, and racial crises reinforce both racial stereotypes and conservative views of race by highlighting the facts and individuals who fit into previously available hegemonic frames while demonizing those who challenge those ideologies" (Squires, 2007, p.8) that alternative media works so hard to break down. Yet, when

news organizations try to balance "negative" coverage with "positive" coverage, audiences are usually left with only two, often clashing images: a Percy Hawthorne (a sociopath) or a Sybil Morial (a superwoman), while missing the coverage of the many factors (such as educational neglect, political incompetence, racism, and/or economic disparity) that would show audiences that many Black people, like Percy, have fallen victim of institutional and systemic oppression (Kamalipour & Carilli, 1998). These forms of racial formation, which is the "sociohistorical process by which racial categories are created, inhabited, transformed and destroyed" (Squires, 2007, p.3) mostly stem from and are influenced by the organizational practices of journalists. Given the history of race relations in the U.S., news organizations imagine the identities and preferences of their audiences through a process called framing, which is "selecting some aspects of a perceived reality to promote a particular interpretation" (Squires, 2007, p.7). When it comes to framing, both activist media and mainstream media heavily implement framing. However, it is the difference in framing, and what is being shown to promote a particular interpretation, that matters. Activist media often frames its narratives to dismantle hegemonic, stereotypical messaging about minority groups, However, news media has historically associated crime with Blackness as a racial stereotype by overgeneralizing and associating Blacks with criminality.

Crime is the dominant racial stereotype borne from media messages, and media coverage of crime usually associates crime with Blackness (Holt, 2013). A racial stereotype is an overgeneralization "about specific out-groups in which certain negative behaviors and traits are over exaggerated to the detriment of persons within that group" (Holt, 2013, p.109). Since local television news is America's main window to the world, it has the power to influence judgements that often lead to White people judging the behavior of Black people as either "confirming" or "contradicting" racial stereotypes (Holt, 2013). Therefore, it is important that

news media realizes and considers the role they play in formulating ideas and perceptions of race. This "window" that allows people to see into the worlds of others, worlds that can be different both structurally and systemically, can become dangerous for Black people due to their overexposure as criminals. This overexposure causes White people to automatically associate crime and violence with Black people, increasing their belief that committing a crime is a "natural tendency" for Blacks (Holt, 2013). This process is called priming, which is "a mental process in which certain aspects of an issue are made more prominent by media and thus more influential in guiding a person's judgement" (Holt, 2013, p.110). Priming research suggests that by making some aspects of an issue, like crime, more pertinent, the media shapes public perception about the issue, most of which causes people to activate stereotypical beliefs and view certain groups of people along stereotypical lines (Holt, 2013).

Much research proposes that race and crime intersect in complicated and cunning ways, inciting fear not just of crime, but racial fears as well (Peffley, et al., 1996). A study done by Dukes and Gaither (2017) investigated how specific information released about a victim impacts opinion surrounding crime. The portrayals of racial minority victims of police violence like Michael Brown, Eric Gardner, and Alton Sterling have been criticized for their potentially damaging influence on public opinion. Bill Maher made a comment about Michael Brown "acting like a thug" on his talk show on HBO; Eric Gardner was described as a "career petty criminal [who] experienced dozens of arrests" and that he was to blame for his own death; Alton Sterling was described as a man with "a 46-page rap sheet of convictions" dating back as far as 20 years (Dukes & Gaither, 2017, p.790). The results of the study suggest that the type of information released about a (Black) victim can significantly sway attitudes, including beliefs that the (Black) victim was viewed as being more at fault and more to blame when participants

were exposed to negative, (Black) racially stereotypical information. Their findings also supported earlier research that routine coverage of crime on the news tends to combine images of race, crime, and violence with potentially more pervasive and cumulative impact on public opinion (Peffley et al., 1996). Additionally, Black people are less likely to be depicted as victims than Whites, news media habitually delegitimizes racial and ethnic minorities as victims while normalizing Whites as victims, and overly dehumanizes, demonizes, and criminalizes racial minorities when they are victims of police violence (Dukes & Gaitther, 2017).

A leading cause of the issue is the dominance of White viewpoints in mainstream news. Most people in the dominant press are White and male, as well as the majority of their contacts and sources, which in turn steers reporters to frame racial events from the standpoint of White people and emphasize the faults of individuals on the frontline while ignoring the role of institutions, historical patterns, and other societal influences (Squires, 2007). Additionally, most scholarship on race and news media concentrates on Blacks and Whites due to the historical dominance of Black-White conflict being the main "race problem" in U.S. public discourse (Squires, 2007). Because of the dominance of White people in mainstream news media spaces, the concerns and representation of people of color are often overlooked, minimized, or framed as "shallow complaints with little basis in fact or validity" (Squires, 2007, p.11).

To add, violence sells news (Rojecki & Entman, 2000) and with networks shifting from producing longer, analytical pieces to being networks focused on entertaining, network news is increasingly becoming a ratings-driven atmosphere conditioned and pressured by colleagues for "good TV" (Entman & Rojecki, 2000), often at the expense of the representation of Black people. Negative images from mainstream news media aid in the construction of traits often used to characterize Black people as criminals and other social ills (Entman & Rojecki, 2000).

In sum, media images play a role in how White America looks at minority groups when it comes to criminalization. Research suggests that television tells little about the structures behind success or failure, which leaves White viewers to assume that Black people who do not match up with dominant worldviews have only themselves to blame (Jhally, 2006). This new, contemporary form of racism, called enlightened racism, "allows Whites to simultaneously hold the view that they are liberal-minded and pro-equal rights, yet still hold the belief that underclass minorities are themselves solely responsible for not seizing American equal opportunity" (Kamalipour & Carilli, 1998, p.54). There is risk involved when people try to participate in large public spheres over which they have little to no control over because there is no guarantee of gaining a larger public voice. Thus, the need for smaller, more local spaces of discussion that can offer more autonomy and control is needed. It is suggested that underrepresented minority and ethnic groups have an important role to play in the creation of alternative media that can offer greater autonomy and more control (Jacobs, 2000). In these alternative communicative spaces, it is likely that minority and racial groups would be able to discover common interests, develop arguments which could more effectively engage White civil society, and provide deliberative spaces (Jacobs, 2000) which could change the discourse of traditional, mainstream news media.

## Counterpublics

Counterpublics obtain their "counter" position in important respects to ever changing degrees of members of marginalized communities being excluded from mainstream channels of political discourse and a corresponding lack of political power (Asen & Brouwer, 2001). Counterpublics have the power to induce actions from others and inspire citizens to act jointly. Aided by distribution channels, messages can travel outside of traditional spaces to challenge dominant messages and launch persuasive campaigns to change the minds of dominant publics

or seek unity with other marginal publics (Kuo, 2018). Rooted in political and social discourse (Asen & Brouwer, 2001) counterpublic and state engagement can aid in understanding relationships between the public and the state within social justice movements, and can be used to interrupt and take up space in the political and cultural places that have too long included them only if they stay at the margins (Jackson, 2016).

Counterpublics are situated within public sphere theory, which examines "the abstract space in which citizens discuss and debate public issues" (Adut, 2012, p.239) and "can best be described as a network for communicating information and points of view (i.e. opinions expressing affirmative of negative attitudes)" within deliberative democracy, discursive democracy and public deliberation (Roberts, 2014, p.13). Public spheres provide forums for individuals and groups to link debates to a broader politics of dissent (Roberts, 2014) and have open discussions about matters of common public concern (Jacobs, 2000). Given the increasing role that emerging communication technologies are playing in activism, attention needs to be directed to how digital platforms (i.e. the Internet, social media, etc.) impact counterpublic formation and public sphere activism (Asen & Brouwer, 2001). These tools and others are changing and challenging the shape of the public sphere, encouraging individuals to rewrite their own histories from dominant and state-based narratives and become globally engaged participants of democratic societies (Roberts, 2014).

Dr. Sarah Jackson, a leading scholar of the public sphere who studies how media, journalism and technology are used by and represent marginalized publics, has situated many of her studies around public sphere theory, counterpublics and how they are used to construct narratives. For example, in her 2015 study "Hijacking #myNYPD: Social Media Dissent and Networked Counterpublics" Jackson investigates the hijacking of the Twitter hashtag #myNYPD

by activists and community members following the launch of a public relations campaign by the New York Police Department in April 2014. In her study, she theorizes networked counterpublic narratives about racial profiling and police misconduct using a qualitative discourse analysis and large-scale network analysis. Results indicate that Twitter users are represented by connected links and when taken as a whole, the network is characterized by a broadcast network, which are often associated with advocacy (Jackson & Foucault, 2015). Drawing national coverage, the hijacking exposed audiences to the existence of networked counterpublics that actively engage in critiques of the state, particularly around police violence.

Another study done by Jackson and Banaszcyk (2016) about the discursive labor and debates shaped by the hashtags #YesAllWomen and #YesAllWhiteWomen by integrating public sphere theory and feminist standpoint theory to show how contemporary feminist discourse continues to reflect historical tensions in feminist movements and how digital media platforms can equip feminist cultural workers to elevate conversations within feminist spheres. Results show that the majority of conversation holders were influencers with an activist legacy on and off Twitter, with the #YesAllWhiteWomen conversation being led mainly by women of color to center the intersectional experiences of being both a woman and a person of color, an experience in which #YesAllWomen ignored. This provided a counter to white women's claims that pointing out racism within the feminist counterpublic was divisive. The expressions of women of color's call to action acknowledged white women's complicity in racial oppression.

A study by Jackson and Foucault (2015) that located tweets about Ferguson and the use of the hashtag #Ferguson at the center of a counterpublic network that provoked and shaped public debates about race, policing, governance and justice on Twitter. Extending on theory on networked publics, tweets containing #Ferguson or Ferguson amidst the case of Michael Brown,

an unarmed Black teenager shot and killed by a white police officer in 2014, were analyzed to understand how crowdsourced elites emerge and evolve in networked counterpublics. Results indicate that most conversations form out of a small number of influential users without otherwise interacting with each other. Thus, individuals have the power to infiltrate public debates by using tools, such as Twitter, to subvert traditional citizen-state power structures by allowing counterpublics to push national conversations (Jackson & Foucault, 2015).

Fundamentally, these studies demonstrate that what we know and how we come to believe in what we know is socially constructed, especially when it comes to social justice. Because dominant groups establish public spheres that delegitimize minority groups, minority groups need to develop "subaltern counterpublics" in order to "invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests, and needs" (Jacobs, 2000, p.28). In social justice movements and spaces, documentary films have the ability to build a sense of community around issues or a common purpose, address politics and movements, serve as representation of issues or underrepresented groups from a social perspective, address stereotypes, educate, analyze problems and propose solutions (Nichols, 2010). This is why the current study argues that activist media in the form of documentary with a social justice agenda could be used in counterpublic spaces because of its role in constructing and maintaining knowledge shared by members of marginalized groups. Additionally, social justice documentary films simultaneously work to make visible the issues specific to marginalized experiences, like the issue of race in the United States and how race is a key factor to the criminalization of Black people.

## Critical Race Theory in the Role of the Criminalization of Black Bodies

Race is a part of the social world that we see as a dimension of human representation (Squires, 2007). To understand criminalization, an understanding of race through critical race theory is needed. Emerging in the 1980s by Derrick Bell – the intellectual founder of critical race theory (Willis & Hornberher, 2008) as a product of political, intellectual and sociological developments in American legal academia – critical race theory investigates how racism persists despite its nearly universal condemnation by state policy and by the norms of society (Harris, 2015). Building upon earlier efforts of those from Martin Luther King, Jr., Fredrick Douglas, Rosa Parks, W.E.B. Du Bois, Sojourner Truth and others (Willis & Hornberher, 2008), it originated in American legal studies during the period of the post-Civil Rights Movement as an attack on the U.S. Supreme Court's "jurisprudence of race, particularly the position that the state can and should be colorblind" (Harris, 2015, p.266). The theory attempts to theorize unconscious racism or implicit bias as well as structural racism, examinations of race relations beyond the Black/White paradigm to understand how race intertwines with other forms of oppression (Harris, 2015).

Scholars of this subject attempt to show how contemporary law "paradoxically accommodates and facilitates racism" (Harris, 2015, p.266) by adapting an interdisciplinary approach that is informed by Black feminist theory, critical theory, critical legal studies, feminism, liberalism, Marxism/neo-Marxism, poststructuralism, postmodernism and neopragmatism (Willis & Hornberher, 2008). Additionally, critical race theory scholars believe that research should address the lived reality of people in a racialized society and seek to eliminate the reproduction of stock stories, form bodies of literature that is in disagreement to traditional or mainstream research, acknowledge intersectionality in the lives of people of color,

expose ideas of White supremacy, serve people and lead to human liberation (Willis & Hornberher, 2008).

James Baldwin's *The Evidence of Things Not Seen* (1985) explores the Atlanta child murders that took place over a period of twenty-two months in 1979 and 1980. A Black man by the name of Wayne Williams was accused of the crimes, not because there was substantial evidence to charge him, but because his Black skin made his actions already known to be saturated with criminality and his Black was perceived to confess the truth. His Black body acted as a site of confession. To be Black is to always be guilty of a crime (Bey & Alexander, 2016).

Our past experiences as people can often be understood through shared and communicated meanings across racial, political and cultural lines (Johnson, 1993). Since the declaration of the United States, Black people like Wayne Williams have experienced their own bodies within a world of racial restriction. From Emmett Till to Michael Brown, Black people – especially Black men – suffer from the limits of their humanity by the White gaze, and are made to live by cultural stereotypes of being animalistic thugs and savages. Bodies signify particular histories and politics that affect the ways in which those bodies are perceived and acted upon, and Black bodies are fixed into preexistent, static guidelines based on race that continue to be modernized to fit the current boxes categorized onto Black bodies (Bey & Alexander, 2016). To be Black by definition is to have done something wrong, and from the implicit support of murders via the "backlash of largely White officers who gun down unarmed Black people," the racist reality built by "White imagery" justifies the gunning down of innocent Black bodies, making Black bodies nothing more than "target practice" for cops (Bey & Alexander, 2016).

It is known that mass media also plays a significant role in the criminalization of Black bodies by negatively portraying Black people based on these stereotypes. Constantly consuming these negative images impact the "formation, activation and application" of racial and ethnic cognitions (Mastro, 2017), which can be compared to cultivation theory, a theory that examines how people are more likely to believe the social reality that aligns with the reality portrayed on television based on how much you consume it. Blacks are more likely to be depicted as physically threatening and in ways that presume them as guilty of a crime, even if they did not commit it, so much so that many Whites believe that most criminals are Black and most Blacks are violent and aggressive, Black people account for a disproportionate share of arrests for crimes such as robbery and homicide, and Black people who endorse negative stereotypes are often deemed more deserving of punishment and are viewed as more likely to commit future violence compared to White people (Peffley et al., 1996). These negative representations promote harmful perceptions of Black people, as well as unfavorable views on diversity-related policy issues, criminality being one of many (Mastro, 2017) and reinforcing Black bodies to be vulnerable to whatever meanings the White gaze assigns to it (Johnson, 1993). The use of documentary as a medium for change in counterpublic spaces can be used to understand how they can provide narratives that explicitly work against the negative racial stereotypes and misconceptions of criminalization against Black people that mainstream media constructs and reinforces.

## RESEARCH QUESTIONS

With the literature review in mind, the research questions are as follows:

1. What themes come up in the documentary, *Guilty Until Proven Guilty*?

2. What themes come up in crime stories about Black men in mainstream news media locally and nationally, specific to Louisiana?

3. To what extent does the documentary *Guilty Until Proven Guilty* follow the framework of a social justice film?

4. To what extent, if at all, does the documentary *Guilty Until Proven Guilty* give voice to those who are a part of counterpublics?

5. What role can documentaries play in shaping understanding and creating narratives about crime in the U.S. compared to mainstream news media outlets?

## METHODOLOGY

This project seeks to explore if a documentary framed as a social justice film constructs a counter narrative that acts as a voice for those in counterpublic spaces, and analyze the potential similarities and/or differences found in the framing of criminalization of Black men in the film versus mainstream, traditional news media. To achieve this, the study analyzes a documentary, and newscasts that feature crime stories about Black men, conducting a qualitative content analysis and comparing themes found in each medium.

The documentary analyzed is Harry Moses' *Guilty Until Proven Guilty*, a film that explores Louisiana's criminal justice system through the story of Tim Conerly, a young Black man who was arrested and imprisoned for a crime he says he did not commit. After waiting for over two years in the Orleans Parish Jail, Conerly must choose between accepting a plea bargain of seven years or risking a sentence of 49 ½ to 198 years in prison if he is convicted at trial.

Newscasts were selected through theoretical construct sampling, used to collect data that meet specific conceptual frameworks in relation to this study (Tracy, 2013). A total of 68 newscasts specific to crime incidents that took place in Louisiana involving Black men were analyzed for comparison. Ranging from 2015-2020, newscasts were used from both local and national outlets: WDSU6 News, KSLA12 News, PBS News Hour, FOX8, CBS News, WAFB9, WDSU, CNN News, WGNO, NOLA.com, The Star, CBS Evening News, The Daily Dot, ITVS News, KLFY, CBS This Morning, BBC News, The Guardian, CNBC, WBRZ2, The Washington Post, Newsweek, and USA Today. Newscasts were found through Internet searches, utilizing YouTube, Google Videos, and the Internet Archive. Newscasts range from 30 seconds to 11 minutes in length, featuring crime-related stories in Baton Rouge, New Orleans, Kenner, Benton, Shreveport, Bossier City, Texarkana, Gonzales, and Many, Louisiana, provide detailed descriptions of the crime(s) committed, explain charges and convictions, and provide photographed images of the perpetrator(s) – all of which are Black men.

The approach to the qualitative content analysis of the documentary and its comparison to news media is influenced by grounded theory, which is "based on the idea that a researcher must be guided, as much as is possible, by the meanings available in the data themselves rather than shoehorning data into preexisting theoretical models" (Squires, 2007, p.23). Additionally, this study is informed by an inductive approach (Flick, 2014) based on Berelson's (1952) qualifications of content analysis, which are 1) to describe substance characteristics of message content, 2) to describe form characteristics of message content, 3) to make inferences to producers of content, 4) to make inferences to audiences of content, and 5) to determine the effects of content on the audience.

Themes from both the documentary and the news media were analyzed through a human coding process, which "refers to labeling and systemizing the data" (Tracy, 2013, p.186). To add, the study employed Mikos' (2008) 14 steps to help guide the analytic research being conducted on the visual images of the documentary and mainstream news media:

> 1) development of a general cognitive purpose, 2) watching the visual material, 3) theoretical and historical reflection, 4) development of concrete cognitive purpose, 5) development of questioning, 6) sampling of material for analysis, 7) fixing of analytic tools, 8) collection of data, 9) description of data collection, 10) analysis of data, 11) interpretation and contextualization of analyzed data, 12) evaluation I – assessment of analyzed and interpreted data, 13) evaluation II – assessment of the results with regard to the cognitive purpose and the operationalization, and 14) presentation of the final results (Flick, 2014, p.420).

Steps 1-6 were especially vital for reducing generalizations and defining more precisely the scope of the content analysis for both the film and the news media being analyzed. This is a way of "close reading" of the content in order to "identify important constructs that then must be measured quantitatively via a coding scheme" (Neuendorf, 2017, p.107).

Upon watching the documentary and the newscasts, notes were taken about key themes found in each. The data collected was then compared to explore the similarities and differences in the way criminalization of Black men are portrayed. Portrayals were examined using themes from Dukes and Gaithler's (2017) study as a guide for coding: 1) fixation on victims' past and/or current behavior as criminal, 2) focus on victims' physical composition and attire, 3) emphasis

on the location where the victims were killed or lived as crime-ridden and impoverished, and 4) negative, stereotypical elements about the victims' lifestyles (p.791).

## How Coding Was Conducted

Coding was conducted by watching the documentary (multiple times), making note of narrative style, mention of historical and societal implications of the incarceration of Black men, who was allowed face time on camera, and key details mentioned that give context to Conerly's side of the story. Following, newscasts were found and analyzed for comparison, mainly focusing on cities mentioned in the documentary (New Orleans and Baton Rouge) within the last 5 years to offer rage and variety of story context in relation to how crime is reported, specifically about Black men. Preliminary codes were noted after an open-coding process (or primary-cycle coding), which is the initial cycle of coding that helps open up meaning behind the data that make up first-level codes (Tracy, 2013). After the completion of the open-coding process, the following first-level codes were found within the documentary: depiction of the criminal's personal story (abbreviated DCP), detailed context of the crime committed (abbreviated DCC), explanation of sociohistorical issues within the criminal justice system (abbreviated SIC), the role of racist and prejudice practices against Black men from the police (abbreviated RPP), having multiple points of view (abbreviated MPV), humanization of criminals (abbreviated HOC), showing "criminals" as "victims" of an unjust criminal justice system (abbreviated CVC), explanation of the criminals' background (abbreviated ECB), and the usage of narrative storytelling about a social issue (abbreviated NSS). The following first level codes were found within mainstream news media: reporting of suspect's past criminal history (abbreviated RSP), reporting criminal history of victims of police violence (abbreviated VPV), lack of empathy for Black victims who have a criminal past (abbreviated LEB), constant reporting of hard crimes

like first-degree murder (abbreviated HCF), displaying Blacks in vulnerable states (abbreviated DBV), images of Blacks as helpless (abbreviated IBH), mug shots of criminal suspects shown (abbreviated MSC), and images of Blacks in violent environments shown (abbreviated BVE). Axial coding followed, which is the secondary-cycle coding process that includes critically examining the codes identified during the open coding process, moving beyond first-level descriptive codes to analytic and interpretive second-level codes (Tracy, 2013). After the axial coding process, the first-level codes were collapsed into a total of 5 themes that were found within the documentary, and they include the following: The "Perpetrator's" Point of View (DCP and DCC), The "Why" (SIC and RPP), Multiple Voices (MPV), Personification (HOC, CVC, and ECB), and Using Narratives to Understand Social Issues (NSS). A total of 5 themes were found within the newscasts, and they include the following: Fixation of Perpetrator's Past (RSP and VPV), Lack of Sympathy for Black Victims (LEB), Hard Crimes Reported (HFC), Highlighting Black Pain (DBV and IBH), and Harsh Imagery Associated with Black Men (MSC and BVE).

## Selected Samples

This section outlines the samples selected for this project. A paragraph will be given to summarize the selected sample, note its relevance, and justify its selection for this project.

### *Guilty Until Proven Guilty*

*Guilty Until Proven Guilty* was screened at the New Orleans Film Festival in 2018 and Los Angeles Documentary Film Festival, where it won an award for Best Documentary, in 2018. The film was then picked up and is being distributed by First Run Features, which has a reputation "of its controversial catalog of daring documentaries and fiction films" ("First Run

Features"). Since the current study is exploring the idea of a social justice documentary film being used as a voice for those in counterpublic spaces in a way that mainstream, traditional news media often does not, it is important to mention the distribution because it involves the process of making a film available for viewing by an audience. The audience is important to consider for this study because it puts into perspective who gets to see the media in the first place, both people in dominate publics and people in counterpublics alike. The film is available via DVD, the iTunes Store, and streaming directly from the First Run Features website. *Guilty Until Proven Guilty* served as a viable option for analysis because it approaches the subject of criminalization from a personal, authentic narrative and historical lens, both of which are often left out of mainstream news, hitting on topics such as mass incarceration being rooted in a long history of racism (in Louisiana) and how criminality has been racialized.

Newscasts

Both local and national newscasts were selected for analysis. Given that the story in the documentary takes place in Louisiana, newscasts about crime incidents that took place in Louisiana were selected for a more accurate comparison. Originally, newscasts of Tim Conerly and his arrest were to be analyzed, but not enough data could be found for a substantial analysis. Thus, the decision to analyze general newscasts about crimes committed by Black men in Louisiana was made. Additionally, all stations from which the newscasts were selected from were considered for analysis despite their placement on the political bias spectrum (left-leaning, versus neutral, versus right-leaning).

# FINDINGS

## Themes Found in Guilty Until Proven Guilty

### Theme 1: The "Perpetrator's" Point of View

"It feels like time is going backwards, like the hands of the clock are not spinning forward. The saying is, 'you're guilty until proven guilty.' And it seems like that's the way it is. Innocent until proven guilty? Not here. It's guilty until proven guilty." This is a quote from Halbert Adams, one of the inmates being held at the New Orleans Parish Jail that was featured in *Guilty Until Proven Guilty*. The film explores Louisiana's criminal justice system through the story of Tim Conerly, a Black man who was arrested and imprisoned for a crime he says he did not commit. Like Tim, and Halbert for that matter, many people (especially Black men) have or are currently sitting in jail awaiting trail – sometimes for a crime they did not even commit – and often have to wait years before being able to stand before a judge. However, as the film mentioned, this documentary is not about statistics; it is about race.

This documentary addresses the world through Tim Conerly's experience as a Black man who is subjected to Louisiana's criminal justice system, a state that, at the time of the film's release, had the highest per capita rate of incarceration in the world, the highest rate of people serving life without parole in the United States, has a history of trying to keep Black people out of the criminal justice system except as defendants, and has a legacy of slavery and Jim Crow – most notably within its prison system. The film goes beyond reporting about Tim's arrest and (wrongful) conviction; it goes one step further, expanding Tim Conerly's narrative beyond being just another Black man processed in the criminal justice system, challenging the use of storytelling as nongeneralizable (Willis & Hornberger, 2008). Conerly is one of more than 1,400

prisoners – mostly Black – awaiting trial, specifically for an armed robbery he said he did not commit. The arrest happened in 2014 after an armed robbery of a cab driver in the French Quarter in New Orleans. One subject, Robert Poole, was found with the stolen items and was arrested. Conerly was walking down the street about 15 feet away from Poole when the police stopped and detained him. Conerly describes the experience, saying, "They just picked me up as a random person." The cab driver identified both as the suspects of the crime, and Conerly was off to prison simply for being in the wrong place at the wrong time. Conerly remained in jail for two years until he was able to tell his side of the story. Given Conerly's wait time, his right to a fair and speedy trial was overlooked, measured in years. It can be argued that allowing Conerly the opportunity to speak his truth can help eliminate the reproduction of stereotypes and stock stories around criminalization by addressing his lived reality in a racialized society (Willis & Hornberger, 2008).

Theme 2: The Why

The "why" is a prominent component of a social justice film because it consciously addresses social and political issues that work as a direct provocation to audiences by offering counter perspectives and even inspiring them to take action (Ortner, 2017). The film highlights Tim Conerly's troubled life growing up in a way that does not excuse or dismiss the actions of his past, but instead, provides context for a deeper understanding of Conerly's experiences. He was only 6-7 years old before he got "snatched" from his mom by the Office of Community Service to stay with a foster family that "gave [him] a lot of things [he] never saw in life, being from the neighborhood where [he's] from." However, he began to rebel at the age of 12 and left to New Orleans at the age of 18, spending 4 years in juvenile detention beforehand. Once in New Orleans, Conerly went to the Covenant House, an agency serving homeless youth. Tim's case

manager at the time, Cynthia Foots, says, “Tim never had mixed signals of being disrespectful; he just always looked depressed and lost.” Foots goes on to add the most humanizing fact of the whole film, explaining how easy it is for people to dismiss young people like Tim Conerly. She explains, “From day one, he didn’t win. We gotta find people that can understand these kids…and half the time, it’s not their faults. They start off with an empty bucket at a young age and it never gets filled with love, patience, understanding, consideration, respect. It fills with hatred, dismiss, ‘you’re a nobody.’ You hear all the negative, and that’s what feeds into their minds.” Because consuming images and messages associated with race in the media contributes to the formation, activation, and application of racial cognitions (Mastro, 2017), highlighting the social and economic issues within Conerly’s life could work against the negative, one-sided narratives associated around criminalization and Blacks, especially Black men.

Theme 3: Multiple Voices

“When multiple voices speak, in a manner that is intimate and personal, collective and performative from the same experience of marginalization, the scale and scope of injustice are forcefully revealed” (Pali, 2014, p.91). Not only is Conerly’s voice very apparent throughout the film, but it also highlights other voices and perspectives as well that speak to the injustices of Louisiana’s criminal justice system, including (Conerly’s) public defender Will Snowden, New Orleans District Attorney Leon Cannizzaro, defense attorney and City Council President Jason Williams, and victims of the Louisiana criminal justice system who were wrongly convicted and later exonerated. To start, Will Snowden describes his work as personal, explaining, “I don’t know what slavery sounds like, but when you hear those chains rustling through the courtroom and filing in and sitting down, and those people look like me, it’s personal.” To add, there is a scene at the beginning of the documentary where Snowden is speaking to a high school civics

class explaining Tim Conerly's case. This scene really sets the tone for how flawed the justice system can be, especially towards Black men. Will explains, "the police see the guy with the cell phone and then sees Tim five yards in front. When they look at person number one, they just saw him with the iPhone. When they search him, they find objects from the wallet, the debit cards, and a receipt from an ATM. Tim, he doesn't have a gun, no phone, no debit cards, none of the people's ID's, he has nothing associating him with that armed robbery, but he fits the description. The description of being a Black male." Does Snowden think that any New Orleans Police Department officer or detective would knowingly or intentionally be a part of an investigation that is going to imprison an innocent person? No, according to Snowden. However, he states, "But I do know that in a response to violent crime, they want to be able to show a crime, an arrest, and a conviction. Unfortunately, Tim was put into that scenario to be part of that equation where the police were able to close a case instead of solving a crime." Will also talks about the historical implications of Louisiana's criminal justice system and how it affects Black people today. For decades, there has been a system in place that has had rules and laws on the books that are products of Jim Crow, such as non-unanimous jury verdicts. Additionally, in 1898, there was a constitutional convention where 138 white delegates got together to "promote the supremacy of the White race," essentially by trying to figure out what they were going to do with the newly freed slave population. A result of that convention was non-unanimous jury verdicts that were created to make it easier to convict Black people. Until 2018, Louisiana only required a 10-2 verdict to convict people in felony cases, which means cases had to be proven only beyond two reasonable doubts. Snowden noted that this is why Louisiana is home to so many inmates.

New Orleans District Attorney Leon Cannizzaro has a different perspective about the criminal justice system. Cannizzaro describes New Orleans as "a very dangerous community and a very violent community," with over 600 shootings and killings, over 500 reported and unreported robberies, and hundreds of sexual assaults in 2017. However, defense attorney and City Council President Jason Williams believes that New Orleans' crime rate is only part of the equation. Cannizzaro failed to mention that he accepts nearly 90% of the cases brought to him by the police despite the fact that New Orleans is under consent decree by the federal government (U.S. Department of Justice) who has said that the New Orleans criminal justice system is flawed, and engages in "patterns of misconduct that violate the constitution" including "discriminatory policing on the basis of race." Williams questions the fact that New Orleans has a more flawed police department than any other in the country, yet, according to Cannizzaro, the police are right 90% of the time. According to Williams, "when you're accepting 90% of the cases presented by the police department, you're overinflating the court docket, and you are burdening the court docket such that you have so many cases coming every single day that you can't get through them." This is why public defenders like Snowden are given so many cases to the point where they are not able to be the public defender that they want to be, sometimes having as many as 180 cases at a time. In the film, Cannizzaro also mentions that a lot of people that come into their criminal justice system have no job skills, education, may be suffering from substance abuse, and so on. If those problems are not being dealt with early on, you are essentially creating a criminal. However, former Angola inmate Daniel Rideau believes differently. In the film, he explains, "You could take a 21-year-old Black kid and a 21-year-old White kid, same charge, and run 'em through the same police. One gonna end up with a conviction, one gonna end up in a situation...the White kid gonna end up in a situation where he

gonna get a slap on the wrist and if he stay cool long enough, he ain't gonna have it no more. But they not gonna make that happen for that little Black kid like that. They're gonna stamp him with that conviction and they're gonna get him to the system and continue him through the system." The difference of treatment based on race is mentioned here, adding onto the fact that as a Black man, you are more likely to receive harsher punishments.

The stories and voices of those who were wrongfully convicted and later exonerated are also heavily present in the documentary, such as Arthur Johnson (exonerated after 15 years), Michael Williams (exonerated after 16 years), Allen Coco (exonerated after 11 years), Jerome Morgan (exonerated after 20 years), Robert Jones (exonerated after 23 years), and Wilbert Jones (exonerated after 45 years). According to Jason Williams, Black men get convicted of crimes they did not commit all of the time. He states, "Anyone that suggests that that does not happen and is not happening, especially in the South, is blind and ignoring the history of the state of Louisiana." In the film, Jerome Morgan expresses, "What people don't realize here in this country is that Louisiana is ground 0 for all the ills that we suffer in this country. This where it started and this is where it's rooted and everything else stems from." Robert Jones adds, "the damage that was done to us for crimes that we didn't commit and taking all those years of our life is irreparable...you can't repair that. We lost family, we lost lives, we barely held on to our sanity." The weight of a social issue is heavier when you hear multiple stories and narratives that work against hegemonic points of view. This multi-vocal documentary highlights the voice of Tim Conerly with other social, legal, and political leaders. With those voices can emerge a shared ethos and demand for critical resistance (Pali, 2014).

All of these added bits of information add depth of Tim Conerly's story and what he is experiencing. Later in the film, we learn that investigator David Kim discovers that the victims

of the robbery were not sober and they all had conflicting stories, which led to Conerly's misidentification. However, the victims and the driver still believe that it was Tim's face 100%. Yet, Snowden argues, "If they put Tim's face next to 6 other people, would the results have been the same? What happened was a suggested procedure that only gave this pedicab driver one option, and that option was in handcuffs, next to a police vehicle, next to a cop with that badge and gun and that's the only option that he had, and he chose it." Snowden adds, "We should all be terrified that someone's liberty can be taken away based on an intoxicated ID, based on a suggestive ID procedure, and based on a lack of evidence." Kim also discovered a video showing the passengers' intoxicated state, hence the misidentification of Conerly. Snowden tries to get the prosecution to drop Tim's case by giving them that video, but they refused. At the end of the day, Conerly had to choose between going to trial or taking a plea deal. It was a tough choice, especially since Conerly was subject to the Multiple Bill for a previous breaking and entering conviction. This means that if he went to trial and lost, he could face 49 ½-198 years in prison without parole. Cannizzaro uses the Multiple Bill more than any other DA in Louisiana. Tim explains how tough the gamble is. In the end, he took the plea of 7 years reduced to 5 for time already served. Conerly explains his decision by saying, "I can take the easy way out and see daylight. A few years, taking a few years or risking my life, gambling and be gone for the rest of my life. That's like kind of hard, it's a hard decision for me. I know I didn't do this…if I lose, I could never go home. Or I can sit here, get convicted, plead guilty to a charge I didn't do, and still get fucked over…only do a few years, but go back home. That's hard. That's hard." To suggest that if he was innocent then he should have just gone to trial, according to Jason Williams, "stands in the face of the nameless folks that are buried in Angola State Penitentiary right now who did not commit the crime that they're there for." Moses acknowledges the

multiple axes of oppression formed against Tim Conerly, which is necessary for working towards building social equity and convincing the dominant public sphere that the issue of criminalization runs deeper than what is portrayed at a surface level. Rather, it helps contextualize the systemic oppression that Blacks go through in the United States when dealing with the criminal justice system (Lopez-Littleton & Woodley, 2018).

Theme 4: Personification

This documentary about Conerly's story personifies the issue of mass incarceration and the incarceration of Black men. From the historical background of Louisiana's criminal justice system, to the viewpoints of the District Attorney Leon Cannizzaro, defense attorney and City Council President Jason Williams, public defender Will Snowden, and victims of the Louisiana criminal justice system who were wrongly convicted but later exonerated, the documentary gives a wide scope of the complexities of the criminalization of Black people in the United States, specifically in Louisiana. The documentary's narrative storytelling style balances the creative vision of director Harry Moses with a respect of the historical ramifications of Louisiana's criminal justice system. Its purpose is to reveal, persuade, and analyze Louisiana's criminal justice system through the story of Tim Conerly. The first purpose (to reveal) holds weight on the replication of what is historically real. The second purpose (to persuade) is to understand the effects of history to mobilize the rhetoric of truth. The third purpose (to analyze) invests in the belief of representation and investigates the material processes that are involved in the production and questions how these processes are being known to viewers (Renov, 1993).

In an interview with *Antigravity Magazine* (2018), Harry Moses explains that he sought out to look at the failures of the criminal justice system of New Orleans. Moses is known for his

films about race. The inspiration for this particular story emerged from an interview he did with Tim Conerly in 2016 at the Orleans Parish Jail for the armed robbery he said he did not commit. This and the other failings of the criminal justice system are what Moses wanted to explore more fully.

Why New Orleans? Simply put, it is the leading example of a heavily flawed criminal justice system. As mentioned in the documentary, Louisiana had the highest per capita rate of incarceration in the world and the highest rate of people serving life without parole in the United States at the time of the film's release. Additionally, there is no question that the state treats poor and Black defendants differently. However, ills of the criminal justice system such as long waits in jail before trial, long sentences for non-violent crimes, and a bail bond system penalizing the poor are not special to New Orleans. This is happening all over the United States, and made evident in the documentary.

Moses' approach of using Leon Cannizzaro's and Jason Williams' opposing views should also be noted. It epitomizes the debate that is going on across the country between aggressive approaches to prosecution or being smarter about crime and realizing that "putting people in jail for as many years as you can get as a prosecutor has not proven [to be] a good crime reduction strategy," according to Williams. Fundamentally, the use of personal storytelling brings a significant aspect of truth to Conerly's overall experiences (Senehi, 2009) and works against dominant framing that constricts the range of racial issues and misguides public opinion due to stereotypical and hegemonic stories that reinforce the status quo (Squires & Jackson, 2010; Willis & Hornberger, 2008).

Theme 5: Using Narratives to Understand Social Issues

Above all, Moses' film is a narrative that interprets Louisiana's long history of criminalizing and incarcerating Black men as "a failure to society." Additionally, the film aims to rethink the ways in which the criminal justice system is viewed. The documentary shows the ongoing issues that the justice system is drowned in, such as poor police training, the bail bond system, long sentences for minor offenses, the need for speedier trials, job training and rehabilitation programs for prisoners, and the need to restore basic rights for those who have served their time and are re-entering into society. Interviews with Tim Conerly is what inspired Moses to create a deeper, more expanded piece about his story. In the interview with *Antigravity Magazine* (2018), Moses states, "He's a young Black man who was raised under dire circumstances and is still struggling to overcome them. It's easy for society to dismiss people like Tim. They are not dismissible." Had it not been for this documentary, Tim Conerly would have just been another marginalized and silenced voice that would not have had the opportunity to share his (the alternative) side of the story, encouraging public engagement with questions of criminal justice reform.

The goal of the documentary, according to Moses, is to "bring understanding to a serious and complicated issue through characters that grip an audience, and hopefully to get that audience involved in the issue" (Okun, 2018). Thinking about Moses' point of view as a director, it can be argued that the hope for audience members after watching this documentary is to not only have witnessed a humanized story of a Black man who was sentenced for a crime he said did not commit, but also have background and insight on how and why predicaments like Conerly's happen so frequently. Like Conerly's case manager at Covenant House mentioned in the documentary, it is so easy to dismiss the stories of people like Tim Conerly. So often, society addresses what happened without addressing why it happened. This documentary addresses the

why. It is narratives like these that can leave viewers encouraged to think critically about the idea of criminal justice in the United States and the need for reform, challenge the opinions and the current ways of the system, and become educated in the historical roots and racism that lives within the criminal justice system in order to become effective producers of knowledge sharing and take action around the subject (Leuthold, 1996; Buchanan, 2015; Ortner, 2017).

## Themes Found in Newscasts About Crimes Committed in Louisiana

### Theme 1: Fixation of Perpetrator's Past

Since the 1980s, researchers of race and media have found that mainstream media portrayals of racial groups reinforce stereotypical and conservative views on race and are prone to highlight facts about individuals who fit into hegemonic frames (Squires, 2007). One way these frames are highlighted and reinforced are by reporting the criminal history of perpetrators, further criminalizing them and thus impacting social perceptions in a way that worsens negative stereotyping. Approximately 12% (8 out of 68) of the newscasts analyzed have some mention of the perpetrator's past conviction(s).

For example, in 2019, WAFB9 in Baton Rouge reported a story about a man accused of murdering Sadie Roberts-Joseph, a Baton Rouge icon who founded an African American history museum. The suspect, Ronn Jermaine Bell, has a criminal background that the newscast digs into, saying, "It's not the first time he's been accused of a heinous crime." The newscast explains an incident that happened in 2005 where he was accused of raping an 8-year-old girl and pleaded guilty to a sexual battery charge 2 years prior.

From a 2018 FOX8 newscast in New Orleans, drug suspects Daniel McCoy and John Moore's public safety assessment reports were mentioned in order to assess how risk levels of

pretrial flight were determined. The reporter explained that Moore had "a lengthy criminal history," including 9 felony convictions and 1 misdemeanor. McCoy and Moore were 2 of the 51 subjects that were able to bond out of jail after being arrested for drug distribution. As an audience member, it could be implied or suggested that the portrayals of these suspects, all black men, are threatening or dangerous (Oliver, 2003) due to their (lengthy) criminal history despite them being arrested for a nonviolent offense.

Theme 2: Lack of Sympathy for Black Victims

Past research has shown that news programs overrepresent Blacks as criminals and overrepresent Whites as victims and officers (Dixon & Williams, 2015; Bjornstrom et al., 2010; Dixon, 2017; Oliver, 2013). However, what does representation look like when the victims are Black, or Black officers?

Newscasts descriptively explain details about the suspect(s), including the full name(s) and age(s) of the suspect(s), showing the mugshot of the suspect(s), the charge(s), and the details of what led up to the arrest(s). Yet, when it comes to the Black victims, their personal background is rarely, if at all, mentioned in the newscast unless the victims are cops. Approximately 15% (10 out of 68) of the newscasts compromise this theme, with 3 of those stories expressing sympathy only for victims who were officers killed in the line of duty.

For example, three separate news stories from CNBC, CBS News, and The Washington Post in 2016 reported a story about Gavin Long going on a "shooting rampage" on his 29th birthday, killing 3 Baton Rouge police officers: Montrell Jackson, Brad Garafola, and Matthew Gerald. All 3 officers were described as "husbands and fathers" and their contributions to the police force were also mentioned. Additionally, the newscast from CNBC in 2016 ended the

video, describing the community "mourning the loss of those who wear a badge." The newscast from CBS News in 2016 started off saying, "The country is struggling this morning to make sense of another mass shooting targeting police." Empathy and sympathy are being shown in a way that was not present in stories about, for example, Alton Sterling from CBS This Morning (2018) and NBC News (2017), a Black man who was shot and killed by police officer Blane Salamoni 2 weeks prior to the ambush of Jackson, Garafola, and Gerald. Yet, more than half of the newscasts analyzed either had no expression of sympathy for Black victims who were not officers, or failed to mention any information about the victim(s) involved at all.

These are key examples of how traditional news media has and continues to delegitimize racial and ethnic minorities as victims and normalizing Whites (and officers) as the classic victim (Dukes & Gaither, 2017). Though no research has directly explored the impact of racial stereotyping on victim blaming murder cases, attributing fault and blame on racial/ethnic minorities of police violence still serves as a rationale for blaming victims (like Alton Sterling) for their own deaths due to stereotypical media characterizations (Dukes & Gaither, 2017).

### Theme 3: Hard Crimes Reported

From the data, murder was the top crime reported about. Approximately 63% (43 out of 68) of the stories that were analyzed are about murder, which includes first-degree, second-degree, and attempted murder. Many murders are assassinations associated with gang activity, or the perpetrator has accompanying convictions along with a murder charge, such as aggravated assault and battery. For example, a FOX8 story in New Orleans from 2018 details the murder charges of 21-year-old Donnell Brown (second-degree murder, attempted second-degree murder, aggravated assault, and battery), who was indicted with a $950,000 bond and faces life in prison.

Another story from WBRZ2 in 2019 reported about a suspect killer by the name of Terrell Anthony who turned himself in for the killing of Jessica Clark. The newscast did not fail to add the fact that that was "not the first time he has killed" and that "a check of his arrest record shows a violent and bloody past" with charges for cocaine distribution in 2018, murder in 2017, domestic abuse and child endangerment in 2017, and kidnapping and attempted murder in 2012.

Constantly reporting and consuming the images that associate hard crimes such as these with Black men advance the subtle attitudes of contemporary and symbolic racism. The portrayal of (hard) crime on local television news contributes to this due to frequent menacing images of Blacks (Kamalipour & Carilli, 1998) as things like murderers. Additionally, these findings show that news organizations, especially local television news stations, "are obsessed with the instantaneous coverage of violent crime, crime that happens to be more common in the African American community (Kamalipour & Carilli, 1998, p.55). What is missing from the coverage are factors such as educational neglect, political incompetence, racism, and economic disparity – which could show audiences that sometimes, Black men do not live in a land of opportunity and lack the privileges of their counterparts (Kamalipour & Carilli, 1998).

Theme 4: Highlighting Black Pain

Another theme found within the data is the reoccurrence of highlighting the pain of Black victims. Approximately 9% (6 out of 68) of the stories analyzed make "pain" a central part of the Black experience. In CNBC's 2016 story about Gavin Long, there was a mention of the protests and tensions that had been building over the past 2 weeks from the shooting death of Alton Sterling by police. Sterling's family made a rather emotional statement, pleading for peace after the recent events that took place in Baton Rouge. Alton Sterling's aunt, Veda Washington-

Abusaleh, is seen crying on screen, saying, “Cause at the end of the day, when these people call these families, and they tell them that their daddies and their mommies not coming home no more, I know how they feel. Because I got the same phone call.”

A story by WAFB9 in Baton Rouge in 2016 highlights the terrible aftermath of a massive, historical flooding. North Baton Rouge residents were interviewed, explaining that it was “hard” and that they “had lost everything” including clothes, food, and their methods of transportation. Additionally, the community members that relied on the Dollar General convenience store located in the neighborhood had to turn elsewhere due to looting. Residents explain the “shock” and the “pain” felt because “there’s nowhere to go anymore.”

In a 2017 newscast from NBC News about the shooting death of Alton Sterling, the family is shown crying, exclaiming, “I just want justice to be served for my family” after learning news that there would be no criminal charges made against the officer that killed Sterling. Sterling’s aunt is shown crying on camera during her interview, saying, “Salamoni put that gun to his head and said ‘imma kill you.’” Peaceful protesters, mainly Black, are shown crying and gathering after hearing the news that no indictments were going to be made against the police officers involved in Sterling’s death. The newscast also showed an interview with Sterling’s teenage son, who expressed his disappointment of the court’s decision.

In a 2018 newscast from CBS This Morning about Sterling, bodycam footage was shown of Sterling’s last moments before getting killed. Sterling is heard asking what he did wrong and shouting that the officers were hurting him. As soon as one of the officers is heard saying, “He’s got a gun,” 3 gunshots are fired at Sterling, followed by 3 more. In a similar newscast from The

Guardian in 2016, cell phone footage is shown with voices in the background crying, "Oh my fucking god. They shot him."

"Media representations of crime shape public opinion in important ways, including through the frequency with which, and how, they present criminal participants and victims" (Bjornstrom et al., 2010, p.269). Given that media shapes public opinion, it can be argued that these constant portrayals of the Black experience perpetuate the idea that to be Black is to be in constant turmoil, pulprits of violence, or victims of violence. Though Black people have continually sought to transform or destroy negative portrayals of Black identity, mainstream news media still upholds stereotypical associations of what it means to be Black in America. These stories of Black identity are "influenced by the organizational practices of journalists, the history and tenor of race relations in the United States, and the way news organizations imagine the identities and preferences of their audiences" (Squires, 2007, p.5). Framing, which is known as "the process of selecting some aspects of a perceived reality and mak[ing] them more salient in communicating text…to promote a…casual interpretation" (Squires, 2007, p.5) allows news media to pick and choose the type of Black identity they want audiences to see by portraying dominant – often White – viewpoints.

Theme 5: Harsh Imagery Associated with Black Men

From the literature, we know that crime and race are tied to media images, speaking to the typical media representation of Blackness, especially Black males, in criminal terms (Chiricos & Eschholz, 2002). Additionally, portrayals of Black suspects "routinely include images and innuendo suggesting that black suspects are particularly threatening or dangerous" (Oliver, 2003, p.6). These claims are present in this study. Approximately 49% (33 out of 68) of

the stories analyzed have some form of negative, stereotypical imagery of Black men through mugshots or showing them living in crime-ridden communities. For example, in a CNN newscast from New Orleans in 2020, the story highlights what it is like living in a neighborhood called "The Goose," one of the most dangerous neighborhoods in New Orleans, through the eyes of La'Marque Victor. Voiceovers are heard of different reporters explaining horrific scenes from homicides that have taken place in the neighborhood, and how "scary" it is for residents to live there. Words overlay the video at the beginning, saying, "Its residents know well the emotional toll living in a murder capital can take." The video even shows bullet holes of residents' houses, showing "where a kid got shot at 13 times." Victor, a Black man, explains that his god brother was killed in front of his house, which is next to his. The victim's son, Louis Scott, explained that he is numb to his father's death because "you either go numb or become part of it. You become a killer, you get killed, or you play the middle part and be numb." This video is an example of how mainstream news media continues to perpetuate the linkage between violence and life as a Black male.

To add, 32 of the newscasts within this theme display mugshots of the perpetrators involved in a crime. Accompanying the mugshots are details about the perpetrator's full name, age, charges made, and the number of years to be spent in jail if convicted. Additionally, there are some cases where the mugshot was shown multiple times, reiterating the image of a Black male suspect as a murderer, a child trafficker, thief, robber, burglar, rapist and/or drug dealer. These constant negative representations emphasize the notion that Black bodies are perceptually made to inhibit the cultural narratives of being nothing more than a thug (Bey & Alexander, 2016).

When it comes to news, it is evident that the ill experiences of Black people in general are what tend to make the news because it is these experiences like those of Victor and Scott that make them newsworthy as minorities in the first place (Rojecki & Entman, 2000). Violence sells news (Rojecki & Entman, 2000), and the images that mainstream news media outlets decide to show their audiences choose them in a way where dominant groups include subordinate groups only under the discursive rules that favorite the dominant group (Jacobs, 2000).

## *Guilty Until Proven Guilty* as a Social Justice Film

Social justice is understood to be the presence of justice through all aspects of society, requires an absence of structural violence (which is the unequal access to society's resources) builds awareness, and fosters voice (Senehi et al., 2009). From the literature, we know what constitutes a social justice film is the inclusion of the conditions of power and inequality that cause the problem to begin with (Ortner, 2017). Ideally, socially conscious films with a social justice framework adequately and accurately addresses an issue as a direct challenge to audiences, causing them to take action. However, that cannot be done without a film having an agenda rooted in a social justice framework, one that critically addresses issues of power and inequality rather than social problems as technical issues to be fixed (Ortner, 2017).

Rather than be neutral about the issue of mass incarceration, Harry Moses speaks truth to power by using an actual person who is impacted by the system. This representation holds weight due to using dialogue and narratives to address an issue that impacts the lives of thousands of Black men across the United States. "Blackness still signifies an epidermal confession of guilt. To be Black is to always be guilty of a crime" (Bey & Alexander, 2016, p.272). This was proven in the film. Conerly was found walking down the street 15 feet away

from the actual suspect that committed the robbery. Though there was no evidence associating Conerly with the crime, he matched the description. Still today, misidentification is one of the leading causes of the incarceration of Black men that are actually innocent. Holt (2013) gives several examples of studies showing that Black men are misidentified more frequently in stories about violent crime because the media perpetuates stereotypical beliefs that cause people to view Black people along stereotypical lines, heightening "the possibility that any Black man can be mistakenly identified as a criminal" (p.111). This is evident in the film by the stories told of exonerated men after serving nearly half of their lives behind bars for crimes they did not commit. The misidentification of Black men as criminal aspects reflects on both the existing stereotypes that exist and reinforces stereotyping in ways that can implicate essentially any Black man as a suspect because "perceivers' mistaken recall and identification memory will mirror existing stereotypes associating Black men with danger or criminality" (Oliver, 2003, p.11). Conerly is an example of how existing stereotypes associating Black men with criminality can cost one their life because "[the police] convict dudes with no evidence," according to Conerly.

Another way that the documentary addresses power and inequality is by not just addressing *what* happens, but addressing *why* situations occur based on people's racial, social, and economic status. Rather than looking at high rates of (violent) crime as a technical problem to be fixed, Moses' documentary looks at the entirety of the situation. New Orleans District Attorney Leon Cannizzaro explained that in 2017, there were over 600 shootings and killings, over 500 reported and unreported robberies, and hundreds of sexual assaults. However, another point of view is offered by defense attorney and City Council President Jason Williams, who says that crime is only a part of the equation. Mentioned earlier, Cannizzaro's office accepts 90% of all cases brought to him by police despite the fact that New Orleans has the most flawed

police department than any in the country due to discriminatory policing on the basis of race. Information like this is usually left out of more dominant, mainstream outlets – information that provides context and clarity about the issue of crime. In the film, Jason Williams also mentions the need to be smarter about crime because "putting people in jail for as many years as you can get as a prosecutor has not proven…as a good crime reduction strategy." Additionally, the film takes a look at Conerly's past and how people like him are often overlooked, misunderstood, and lack fair chances at life. Jerome Morgan said it best: "Prosecute these crimes fairly and don't just address the crime, address why the crime happened."

Crime news frequently shows images of Black criminals that contribute to the modern racist hostility towards Black people (Kamalipour & Carilli, 1998). However, this documentary does not do that. In fact, it can be argued that this documentary implements Martindale's (1991) three out of the four recommendations for improving coverage of minorities and minority issues: increased accuracy and more representative coverage, less stereotypical coverage, and more coverage of problems faced by minorities. The documentary showcases Tim Conerly's point of view, as well as the point of view of Emily Maw, Director of the New Orleans Innocence Project (NOIP), Will Snowden, and Jason Williams, all of which give a more representative outlook on what happened to not only Tim Conerly, but other Black men as well who were convicted of a crime they did not commit. For example, the NOIP's work has led to the release of over 30 people, nearly all Black men, who were arrested and given trials where the presentation of evidence lasted for less than a day before they were convicted – often in non-unanimous jury verdicts and sent away to prison for the rest of their lives. In the film, Emily Maw explains, "Being innocent and proving it is not key to getting out of prison. It's hard to prove innocence once you're convicted. The process of gathering evidence to prove that you are innocent is more

than most people will ever be able to do. Most innocent people will die in prison or serve out their sentences without ever having cleared their name." This representation is the reality of what countless Black men are or have gone through not just in Louisiana, but in the United States, a problem that Black people in general have faced since this country's inception. To add, the documentary does a great job at having few, if any, stereotypical coverage or imagery of Conerly. Conerly is given the opportunity to share his life experiences as a young Black male, sharing how he grew up, how he ended up in jail, and how the experience has impacted him. Despite his circumstances, having to choose between accepting a plea bargain of 7 years or risking a sentence of 49 ½ to 198 years if convicted at trial is a choice "that no human being should have to make, and that someone with more resources almost certainly could have avoided," according to Harry Moses (Okun, 2018). Even Moses recognizes and acknowledges the reality of the problems that Conerly faces as a minority and implements them in the documentary – without being negative or stereotypical.

## Using *Guilty Until Proven Guilty* in Counterpublic Spaces

Counterpublics are significant because of "the role they play in legitimizing and sustaining marginalized communities and that they explicitly and strategically seek to 'challenge the dominant knowledge' inherent the to mainstream public sphere" (Jackson & Foucault, 2015, p.934). Additionally, counterpublics strategically work to infiltrate mainstream narratives to challenge "the power embedded in institutions of society for the purpose of claiming representation" for marginalized communities who are often excluded from mainstream public dialogue (Jackson & Foucault, 2015, p.935).

*Guilty Until Proven Guilty* is a great example of how documentaries can be used to communicate the lived reality of marginalized groups while pushing the (mainstream) public sphere to acknowledge and respond to these realities in ways that mainstream, traditional news media does not. Mainstream news often ignores social- and institutional-level racism in their reporting (Squires & Jackson, 2010); however, Harry Moses' documentary does the opposite, highlighting the racism, discrimination, and unjust practices that landed Conerly in jail for 7 (reduced to 5) years for a crime that he says he did not commit.

The strategy of using dialogue to advance opportunities for marginalized voices to be heard is a huge part of counterpublics, and *Guilty Until Proven Guilty* applies a dialogic model that puts Conerly's truth on the forefront of the film in ways that makes his lived reality more understanding, especially in relation to a cross-cultural context. Documentaries are a form of truth telling, and truth is formed from sharing experiences (Leuthold, 1996). Conerly was able to speak his truth and share his experiences as a young Black male growing up in Louisiana, and the social and racial implications that came with it. Other subjects in the documentary, especially those who were wrongly convicted and then later exonerated, also had the opportunity to engage in dialogue and speak their truth. This dialogue can bring more agency and control over Black bodies (Cohen & Jackson, 2016), and it can be argued that more narrative documentaries like *Guilty Until Proven Guilty* could be used in counterpublic spaces, especially those that want to critically and strategically fight against dominant narratives about the criminalization of Black men, by promoting thoughtful dialogue about how to dismantle the systemic and institutional issues within the criminal justice system.

Lastly, "systems of injustice and violence operate most effectively by disconnecting, disassociating, and dislocating people from their personal and social histories by disconnecting

them from their stories" (Senehi, et al., 2009, p.91). By using storytelling through documentaries in counterpublic spaces, marginalized communities can channel this tool in a way that is inclusive to those whose voices have been silenced by mainstream, traditional news media, foster shared power and mutual recognition, create opportunities for dialogue and – specific to this study – bring the issue of the criminalization of Black men to light (Senehi, et al., 2009). Conerly's personal story is a significant aspect of truth when it comes to understanding how being a Black man can cause an unfair disadvantage when navigating the criminal justice system. Moses' work not only brings a victim's experiences into the public sphere as a move to social justice, but it also resists the dominant narratives often shared by traditional news media by implementing the historical, racial, and oppressive structures that are within the criminal justice system today. To follow, the discussion section will highlight the comparisons found between the documentary and the news media.

## DISCUSSION

From the analysis of both the documentary and the newscasts, one thing is certain: the content tells us that there is a difference in whose voices are included in the narratives versus whose voices are not included, depending on the medium. In several of the newscasts analyzed in this study, the only voices heard are the ones who are doing the reporting. The documentary gives us an inside look on a life that would have otherwise been simmered down to nothing more than another Black man in jail. Conerly was given the space and autonomy to share his lived experiences, allowing him to address how the flaws of the criminal justice system have trapped him behind bars for a crime he says he did not commit. The power of seeing and hearing Conerly's story directly from him introduces a marginalized and traditionally silenced voice, presenting an alternative vision beyond a mugshot and a few sentences explaining the crime(s)

committed. It is not a news reporter reporting about Conerly's story with a few short sentences without providing any significant sociohistorical context, but it is Conerly himself sharing the experiences that mainstream media would have more than likely overlooked. The narratives that the newscasts report are cut and dry, whereas the documentary shows the grey areas in which sometimes Black people are stuck in situations like Conerly's not just because of their personal failings, but because of the problematic practices within the criminal justice system.

To add, the voices highlighted in the documentary offer a more non-hegemonic narrative that work against the status quo and make sure not to neglect the structures behind success and failure the way mainstream news media does (Kamalipour & Carilli, 1998). What is seen in the newscasts selected in this study is the continuation of upholding and emphasizing oppressive characterizations and stereotypes of Black people, especially Black men, as criminals. Mainstream news media is often dominated by White people and systemically overrepresents Blacks as criminals to the point where these ideas of Blacks no longer become the prominent and believed ideologies of just White people, but may become ideologies to anyone who consumes media on a regular basis, even marginalized people. Hegemonic points of view about Black people and criminality based on hegemonic frames consume mainstream media, and anyone is subject to being influenced by it. However, it is documentaries like *Guilty Until Proven Guilty* that are able to promote cross-cultural social justice advancements by working against hegemonic points of view. To this end, films that align with a social justice framework recognize the significant facet of truth and understanding within one's experiences, bringing them out of hegemonic media messages and into counter narratives as "a move for social justice" (Senehi et al., 2009, p.9).

On the contrary, there is a lot of push-and-pull between hegemonic spaces. Though hegemonic spaces can negatively impact marginalized groups, there is research that shows how hegemonic spaces can have a positive impact as well and reinforce counter stories. For example, Twitter could be considered a hegemonic, "mainstream" channel. However, research has shown that dominant spaces, like social media, can also be used to amplify voices that would otherwise be unheard or dismissed (Jackson & Foucault, 2015; Jackson & Banaszczyk, 2016; Jackson, 2016).

Though this study uses different news outlets that may have conflicting reporting styles based on differences in values, ethics, professional standards, and specific goals of their news organizations, there are significant similarities in what is being reported despite those differences. Literature suggests that these components can really constrain journalists in their reporting styles (Dixon & Williams, 2015). Because of this, coverage of crime and how it is reported may result to differing interpretations because stories about identity reflect and are influenced by the organizational practices of journalists (Squires, 2007). However, the majority of the newscasts analyzed in this study suggests otherwise. The themes found from the mainstream news media were apparent across all the different outlets, whether they were on the left, middle, or right side of the political bias spectrum.

The impact a film can have on the dominant public sphere is uncertain, but "film works at many levels and says different things to different people, individually and collectively" (Ortner, 2017, p.537). From the literature, we know that mainstream news media has the power to influence ideas and perceptions of race, especially considering the themes found within this study. However, documentary films like *Guilty Until Proven Guilty* serve as visual evidence that alternative media also has the potential to dismantle hegemonic narratives about the

criminalization of Black men that are rooted in contemporary racist beliefs. This alternative narrative legitimizes and communicates the lived experiences of an incarcerated Black man, acknowledging a reality that most of the newscasts analyzed in this study glossed over.

## CONCLUSION

This was a case study approach that only analyzed one documentary. However, this is not the only documentary out there that is situated within a social justice framework to shift dominant narratives and drive change. To explore the larger questions that the current research is based on, it would be helpful for future studies to look at other, similar documentaries that highlight the same issues and how they engage counterpublics and push narratives through a social justice framework. More range needs to be explored, but to make this study methodologically clean, this study only looked at crime cases in Louisiana. Future studies can make the argument more generalizable by looking at other places.

This study specifically explored the idea of using social justice documentary film as a tool to challenge dominant narratives. Thinking further, "the idea of criminality leaves such an obdurate stain in audience's minds that it is not easy to overcome by one mere story that counters their preexisting beliefs" (Holt, 2013, p.118). Therefore, future research could explore and even challenge that statement by looking at reception of audience members and the level of impact that documentaries can have based on social justice ideologies as a way to counter stereotypical narratives and assess exactly how counterpublic spaces can use this medium to reshape and challenge dominant public discourse.

As a whole, media is an American institution that is heavily occupied and guided by hegemonic principles such as capitalism, patriarchy, white supremacy, and imperialism. Activist

media that has wide reaching impact is almost an oxymoron or antithetical. Future research could address how activist media has accomplished impact without falling victim to the mainstream trappings and workings of the institution of media. It is possible that social change or public response might not occur following the mass distribution of a documentary. So, research could explore if and how the public sphere is listening and responding to the truth and how impact for social change is measured or proven.

Though documentaries may struggle to be seen (by both marginalized and dominant publics) compared to more mainstream media messages because of their lack of hegemonic viewpoints, the current literature suggests that when given the platform and audience, combining documentary with activism produces opportunities for dialogue to address issues of injustice. However, little research has been done to specifically address how counterpublic spaces use documentary for social change in order to theorize impact. So, this study could be extended by conducting an empirical study on how counterpublic spaces have utilized documentary storytelling to catalyze social change, noting its successes and challenges.

The current study features several different criminal subjects from news media and one from a documentary. Even though they are all Black men convicted of crimes that took place in the same state (Louisiana), the crimes committed differed, which may have altered news media's reporting styles. Therefore, another direction the research could go in is directly focusing on one criminal suspect for comparison between documentary and traditional news media. Focusing on one suspect could gain greater clarity for comparative purposes, allowing those in counterpublic spaces to easily show specific examples of how narratives can differ about the same person based on where and from what medium the narrative is consumed.

*Guilty Until Proven Guilty* movingly portrays criminalization in a different way not often seen in mainstream news media. A direction that future research could go into is doing a comparative study of a documentary from an independent outlet that considers itself a counterpublic space versus a mainstream news outlet that produces documentaries, such as CNN, to compare the practices and approaches of each. Narrative storytelling styles may differ between the two, which may alter the affect and responsiveness of the dominant public sphere. Therefore, specific visual narrative frameworks of each are worth being explored.

Lastly, the purpose of this study is to theorize using documentary as a tool to address and dismantle dominant definitions of misrepresented communities. Future research could explore the practical approaches of using documentary as a tool by conducting a focus group study that interviews participants (both in and not in counterpublic spaces) after watching newscasts that stereotypes Black men, and then an alternative form of media (like an independently produced documentary) to assess the discourse could be done. This would allow people in counterpublic spaces to reflect on their experiences and their needs as marginalized communities while also allowing dominant publics to listen, respond, and even strategize ways to become allies to those who have been silenced and excluded from the dominant public sphere (Jackson, 2016).

In sum, counter stories always start on the margins. The choice for using *Guilty Until Proven Guilty* for analysis was to show an example of a narrative that is so far down the other end compared to what is seen in mainstream news media. Perhaps it is works like this that could be useful in journalism education and call for better reporting to help disassociate Black people as criminals by default. Radical thought starts in non-hegemonic spaces and eventually trickles down to more dominant publics.

For the purpose of this study, the point is not who saw the documentary, but the argument the documentary is making and how that argument can be used in to dismantle the dominance of (White) viewpoints in mainstream news. It is not an expectation that social justice documentaries will make a huge impact right away, but it is a part of a larger process to counter the negative, stereotypical, hegemonic narratives being told. Specifically, this documentary shows how the criminalization of Black bodies, especially Black men, can be talked about in a different way. Instead of criminalizing Conerly and the other Black men featured in the film, *Guilty Until Proven Guilty* shows him as a human being stuck in an unjust criminal justice system. Perhaps if mainstream news media followed the practices of a social justice documentary, more people would look at people like Conerly and become eager to critically address issues of power and inequality when it comes down to race and the law, rather than upholding and reinforcing the idea that to be Black is to automatically be associated with criminality and assumed guilty of a crime.

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