

# Privilege, Discrimination and Racial Disparities in the Criminal Justice System

*(This is an advanced lesson)*

Grade Level		Time	Common Core Standards
K-2	3-5	45–60 Minutes	Reading: R1 Speaking & Listening: SL1, SL2
MS	HS		



### Web Related Connections

#### Lessons

- [Exploring Solutions to Address Racial Disparity Concerns](#)
- [Microaggressions In Our Lives](#)

#### Other Resources

- [Books Matter: Children's Literature](#)
- [George Floyd, Racism and Law Enforcement](#)
- [Race Talk: Engaging Young People in Conversations about Race and Racism](#)
- [Teaching about Racism, Violence, Inequity and the Criminal Justice System](#)

### Key Words

- civil rights
- demonstrations
- disparity
- incarceration
- injustice
- inoculated
- oppression
- privilege
- profiling
- racism
- riots
- stop and frisk

## LESSON OVERVIEW

On August 9, 2014, Michael Brown, an 18-year-old Black teenager, was allegedly shot multiple times and killed by a white police officer in Ferguson, Missouri, a suburb of St. Louis. Following the shooting, hundreds of people gathered at the scene of the shooting to organize vigils to remember Michael Brown as well as protest to demand answers as to why he was shot. Over the course of the next several days, these protests, the majority of which were peaceful, were reportedly met with a heavily armed police department. The story captured the attention of the nation and the media.

This incident and numerous others since then have been widely publicized due to increased video recording and social media, causing a global outcry of injustice. These incidents have struck a chord with many people who perceive the situation as emblematic of a trend in which a disproportionate number of Black men and women are being killed by police officers and a general feeling that White and Black people's perceptions of and relationships with the police are very different.

This lesson provides an opportunity for students to analyze race, privilege and power using the killing of Michael Brown as an example of this situation. Students will learn about unearned privilege, examine the various levels of racial disparities in the criminal justice system and explore the role white privilege plays in the different interactions whites and people of color have with community service providers, such as law enforcement.

**[NOTE:** Discussions of privilege, and specifically white privilege, require advanced skills in anti-bias education. Teaching about it requires a solid foundation for you and your students in understanding unconscious bias, structural racism and other forms of oppression. In order to prepare for this lesson, reflect on your own comfort level and ability to discuss white privilege with students. It would be helpful for you to read and/or re-read Peggy McIntosh's, [White Privilege: Unpacking the Invisible Knapsack](#) and [Excerpt from Privilege, Power and Difference](#) by Allan G. Johnson. Consider the racial composition of your classroom as well as students' sophistication with and ability to talk about issues of race and power.]

## LEARNING OBJECTIVES

- Students will understand the concept of unearned privilege.
- Students will examine issues of power and privilege and the consequences unearned privilege has on marginalized groups.
- Students will learn about racial disparities in the criminal justice system and reflect upon how whites and people of color have different experiences with law enforcement.

## MATERIALS & PREPARATION

- *'This is about finding justice' for a kid* video (2014, 2 mins., CNN, [www.cnn.com/videos/bestoftv/2014/08/17/sotu-crowley-jesse-williams-lz-granderson-tara-wall-race-finding-justice-in-ferguson.cnn](http://www.cnn.com/videos/bestoftv/2014/08/17/sotu-crowley-jesse-williams-lz-granderson-tara-wall-race-finding-justice-in-ferguson.cnn))
- **Privilege Statements** (select 8–10 statements that will resonate with your students, print out and cut into strips prior to lesson)
- **"A Mother's White Privilege"** (one copy for each student)
- Smartboard or projector for video screening
- Chart paper

## PROCEDURES

### **Video Viewing: Jessie Williams Talks about Michael Brown**

1. Watch the *'This is about finding justice' for a kid* video, a 2-minute clip of actor Jesse Williams speaking to a news reporter.
2. After watching the video, engage students in a discussion by asking the following questions:
  - What is Jesse Williams saying?
  - How do you think he feels? How do you know?
  - Why is he comparing the treatment of white people and black people?
  - According to Jesse Williams, what does "privilege" have to do with Michael Brown? What does he mean by "a certain element of this country has the privilege of being treated like human beings"?
3. If you are not able to show the video, (or in addition), read aloud this statement by Eric Holder, Attorney General of the United States, which he made while visiting Ferguson, MO on August 20, 2014:

"I just had the opportunity to sit down with some wonderful young people and to hear them talk about the mistrust they have at a young age. These are young people and already they are concerned about potential interactions they might have with the police. I understand that mistrust. I am the Attorney General of the United States. But I am also a black man. I can remember being stopped on the New Jersey turnpike on two occasions and accused of speeding. ... I remember how humiliating that was and how angry I was and the impact it had on me."

### **What is Unearned Privilege?**

1. Write the term "unearned privilege" on the board or chart paper. Ask students to share what they think it means.
2. Share the following definition for privilege and write or project it on the board:

**Privilege** is a term for unearned and often unrecognized advantages, benefits or rights conferred upon people based on their membership in a dominant group (e.g., white people, heterosexual people, males, people without disabilities, etc.) beyond what is commonly experienced by members of the marginalized group. Privilege reveals both obvious and less obvious unspoken advantages that people in the dominant

group may not recognize they have, which distinguishes it from overt bias or prejudice. These advantages include cultural affirmations of one's own worth, presumed greater social status and the freedom to move, buy, work, play and speak freely.

Alternate definition: A right, advantage, benefit or immunity granted to or enjoyed by people in a dominant group beyond the common advantage of all others; an exemption in many particular cases from certain burdens or liabilities.

### Effects of Privilege Statements

1. Explain to students that people identify themselves in many ways, such as race, gender, gender identity, age, religion, sexual orientation, (dis)ability, ethnicity, etc. People are advantaged by certain aspects of their identity and disadvantaged by others. For example, a heterosexual young woman does not typically have to worry about name-calling or harassment by walking in the school hallway with the person she is dating. The same young woman, however, may be disadvantaged by her gender due to the fact that over time as she grows up and enters the workforce, she is likely to earn less money than a man when she is equally qualified and doing the same job.
2. Explain to students that they will be reading statements that describe unearned privileges some people get in our society. Take out your basket of [Privilege Statements](#) strips (choose 8–10 and prepare in advance) and explain to students that some of them will take a strip of paper out of the basket and read it aloud. Give the basket to a student who will start. After they read the first statement aloud, ask: *Are there identity groups for whom this is true? What groups is it not true for?* After this, have the student pass the basket to the next person and repeat the process (student reads aloud, you ask the two questions). Have students continue to pass the basket and read the statements until all the statements have been read aloud.
3. Engage students in a discussion by asking:
  - What stood out for you as you heard the statements being read aloud?
  - What is an example of how you have been personally affected by one of the privileges read aloud?
  - How do you think the existence of these privileges affects people or society in general?
4. Ask students to silently reflect on whether they believe they personally get unearned privileges based on an aspect of their identity. Ask them to consider the following questions in their reflections and jot down notes: *What is the consequence of you having that privilege? Who is not receiving that privilege and what is the impact on them? As a result, how is their situation and life different from yours?*
5. Tell students that they will be working in pairs to explore some of the unearned privileges associated with different aspects of identity. Assign each pair one of the three identities: race, gender or (dis)ability. Instruct each pair to brainstorm as many unearned privileges as they can think of that are associated with their assigned identity category; they should record their notes on paper. Clarify that when they list privileges associated with the dominant (power) group, for gender it will be male, for race it will be white and for ability it will be people without disabilities. Students will work in their pairs for 5–10 minutes. Provide an example if you feel the students need one.
6. Reconvene the whole class and draw three columns on the board or chart paper and write the words RACE, GENDER AND ABILITY, one at the top of each column. Take turns asking each pair to share one item from their list and record that on the chart under the appropriate column. Continue moving around the room with students sharing one item from their list; if the idea has already been stated, they should move on to the next item on their list. Continue this process until all their items have been shared.
7. Engage students in a large group discussion by asking the following questions:
  - Was it difficult or easy to come up with unearned privileges?
  - What are the impacts of privilege on people in the marginalized group?
  - What are some of the structures in our society that support these systems of privilege?
  - How are stereotypes used in the system of unearned privileges?

- What does privilege have to do with the shooting of Mike Brown? (Remind them about what Jesse Williams said).
- Are black men and women inequitably targeted by the police? How do you know?
- How do you think white privilege plays itself out in dealing with the police?



### Reading Activity: A Mother's White Privilege

1. Distribute the article “[A Mother's White Privilege](#)” and give students 10–15 minutes to read it silently.
2. Engage students in a class discussion by asking the following questions:
  - How did you feel after reading the article?
  - What is the author's perspective?
  - How does she define white privilege? Can you give an example?
  - Why do you think she wrote the article?



### Information Sharing: Racial Disparities and the Criminal Justice System

1. Share the following information from the Innocence Project's [8 Facts You Should Know about Racial Discrimination in the Criminal Justice System](#) with students.:
  - Black people are more likely to be stopped and searched. Black people, Latino people, and communities of color are more likely to be stopped, searched, and suspected of a crime — even when no crime has occurred. Data shows that when Black drivers are stopped, they are more likely to be searched, but contraband is less likely to be found.
  - About one-third of unarmed people killed by police are Black. Despite thousands of police shootings since 2005, only 110 officers who shot a person while on duty have been charged with murder or manslaughter and less than half were convicted.
  - More than half of death row exonerees (people who are proven to be not guilty of a crime for which they were previously found guilty) are Black.
  - Police misconduct occurred in more than half of all wrongful murder conviction cases involving innocent Black people. Black people exonerated from wrongful murder convictions were 22% more likely to involve police misconduct than similar cases involving white defendants.
  - Nearly half the people currently on death row (where inmates in prison are housed who are awaiting execution after being convicted and sentenced to death) are Black. The death penalty is more likely to be used in cases in which a white person is killed — people convicted of killing white people are executed at 17 times the rate of those convicted of killing Black people.
2. After sharing this information, engage students in a discussion by asking the following questions:
  - How do you feel about the information and statistics you heard?
  - Why do you think these disparities exist?
  - Knowing these statistics, how do you think this impacts the level of trust African Americans, especially men, have for the police?
  - Do you think racism and privilege play a factor in these statistics? Why or why not?
  - Do you think white and black people have similar interactions with and perceptions of the police? Why or why not?
  - What does this have to do with white privilege?

**Closing**

Have students share one new thing they learned today.

**ADDITIONAL READING**

- [“4 Unarmed Black Men Have Been Killed By Police in the Last Month”](#) (Mother Jones, August 13, 2014)
- [“Exactly How Often Do Police Shoot Unarmed Black Men?”](#) (Mother Jones, August 15, 2014)
- [“Poll Finds Racial Divide in Viewing Response to Ferguson Unrest”](#) (*The New York Times*, August 21, 2014)
- [Excerpt from Privilege, Power and Difference](#) (Allan G. Johnson)
- [“When Youthful Mistakes Turn Deadly”](#) (*The Washington Post*, August 25, 2014)
- [“Five Years After Michael Brown’s Death, His Father Wants a New Investigation”](#) (*The New York Times*, August 15, 2019)
- [8 Facts You Should Know About Racial Injustice in the Criminal Legal System](#) (Innocence Project)
- [Shadow Report to the United Nations on Racial Disparities in Sentencing in the United States](#) (The Sentencing Project)

**Common Core Standards**

CONTENT AREA/STANDARD
Reading
R1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
Speaking and Listening
SL1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others’ ideas and expressing their own clearly and persuasively.
SL2: Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.

## Privilege Statements

My parents are comfortable with me interacting with the police—in fact, they encourage me to find a police officer if I need help.

I can hold hands with and kiss my girlfriend/boyfriend/significant other in the school hallway and not worry about getting harassed.

Most signs, flyers and email communication for my school are in the language I was born speaking.

When I wear a hoodie, headphones or wear my pants sagging, no one says or thinks I'm dangerous.

People assume I am trustworthy and don't give me a hard time about my hair style, my clothes or how I speak.

I can walk around alone in a store without being followed or viewed suspiciously.

The media portrays people of my race in a wide range of positive and non-stereotypical roles.

People use pronouns that align with my gender identity.

I can go about my day without planning every task in advance and have easy access to restaurants, stores, bathrooms, parks and buildings wherever I go.

I can be challenging or disrespectful to those in authority positions without worrying about significant negative consequences.

I can sit with my friends at lunch and not be accused of segregating myself.

I can fail without having the failure attributed to my race.

I can do well in a challenging situation without being called a "credit to my race."

Famous people of my race or ethnicity are discussed year-round in school, not just during special months/weeks.

People do not usually question whether I am an American.

I can walk down the street or school hallway without being verbally and sexually harassed or told I need to smile.



## A Mother's White Privilege

By Elizabeth Broadbent, August 15, 2014



What if my son was black? How would you see this picture?

As the ongoing events in Ferguson, Missouri show us, America's racial tensions didn't disappear when George Wallace backed down from the schoolhouse door. Dr. King didn't wave a magic wand, and we never got together to feel all right. White America remembers this at ugly flashpoints: the Rodney King beatings, the OJ Simpson trial, the Jena Six, Trayvon Martin's death. White America recoils in horror not at the crimes – though the crimes are certainly horrible. It's not the teenagers gunned down, the police abuse, the corrupt trials. It's this: at these sudden, raw moments, in these riots and demonstrations and travesties of justice, White America is forced to gaze upon the emotional roil of oppression, the anger and fear and deep grief endemic to the Black American experience. Black America holds up a mirror for us.

And white America is terrified to look.

To admit white privilege is to admit a stake, however small, in ongoing injustice. It's to see a world different than your previous perception. Acknowledging that your own group enjoys social and economic benefits of systemic racism is frightening and uncomfortable. It leads to hard questions of conscience many of us aren't prepared to face. There is substantial anger: at oneself, at the systems of oppression, and mostly at the bearer of bad news, a convenient target of displacement. But think on this.



I have three sons, two years between each. They are various shades of blond, various shades of pinkish-white, and will probably end up dressing in polo shirts and button downs most of the time. Their eyes are blue and green. Basically, I'm raising the physical embodiment of The Man, times three. The White is strong in these ones. Clerks do not follow my sons around the store, presuming they might steal something.

Their normal kid stuff—tantrums, running, shouting—these are chalked up to being children, not to being non-white.

People do not assume that, with three children, I am scheming to cheat the welfare system.

When I wrap them on my back, [no one thinks I'm going native](#), or that I must be from somewhere else.

When my sons are teenagers, I will not worry about them leaving the house. I will worry— that they'll crash the car, or impregnate a girl, or engage in the same stupidity endemic to teenagers everywhere.

I will not worry that [the police will shoot them](#).

If their car breaks down, I will not worry that people they ask for help will call the police, [who will shoot them](#).

I will not worry that people will mistake a toy pistol for a real one and [gun them down in the local Wal-Mart](#).

In fact, if my sons so desire, they will be able to carry firearms openly. [Perhaps in Chipotle or Target.](#)

They will walk together, all three, through our suburban neighborhood. People will think, Look at those kids out for a walk. They will not think, Look at those punks casing the joint.

People will assume they are intelligent. No one will say they are “well-spoken” when they break out SAT words. Women will not cross the street when they see them. Nor will they clutch their purses tighter.

My sons will never be mistaken for stealing their own cars, or [entering their own houses.](#)

No one will stop and frisk my boys because they look suspicious.

My boys can grow their hair long, and no one will assume it’s a political statement.

My boys will carry a burden of privilege with them always. They will be golden boys, inoculated by a lack of melanin and all its social trapping against the problems faced by Black America.



For a mother, white privilege means your heart doesn’t hit your throat when your kids walk out the door. It means you don’t worry that the cops will shoot your sons.

It carries another burden instead. White privilege means that if you don’t school your sons about it, if you don’t insist on its reality and call out oppression, your sons may become something terrifying.

Your sons may become the shooters.

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*Elizabeth Broadbent does social activism and [attachment parenting.](#)*

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