

## **How fiction makes amends for journalism: the case of *When They See Us***

*The miniseries When they see us constitutes an example of how a based-on-real-events fiction work can add to its poetic role the ability to participate in shaping democracy. Although journalism is not its central issue, this Netflix series makes a representation of the press in which it shows how the media failed in fulfilling its democratic role and tries to make amends for it. By analyzing 21 scenes dedicated to the media from a narrative perspective, this paper shows how the series represents the press' failure in acting as watchdog during this case. Moreover, it also shows how this representation of the press turns the series into a watchdog itself.*

KEY WORDS: *journalism, fiction, democracy, based-on-real-events, When they see us*

*When They See Us* (2019) is a fictional miniseries directed by Ava DuVernay and produced by Netflix. It is based upon the story of the so-called the *Central Park Five*, five African American and Latino teenagers who, in 1989, were wrongly accused and condemned for a crime they did not commit. In the series, DuVernay makes a representation of the press that shows it as partly responsible for the injustice and this paper aims to analyse this representation and its implications.

For that matter, some of the greater studies about fictional representation of the press have been considered. Thus, while researchers like Ehrlich (2006a; 2006b), McNair (2010), or Novoa-Jaso

et al. (2019) look for a general view of the press' representation, Ehrlich (2005), Sabin (2011), Steiner et. al. (2013), Peters (2015), or Bishop (2020) study specific productions and how they show if journalists succeed in fulfilling their functions. Ehrlich (2005), for instance, affirms that the movie *Shattered Glass* (2003) "expressed faith (...) in the press's ability and responsibility to report the truth" (p.171); and Steiner et al. (2013), Peters (2015), and Bishop (2020) study journalists' and audience's responses to different productions. However, these studies tend to analyse fictions such as *All the President's men* (1976) or *The Newsroom* (2012), that belong to the journalism movie genre, i.e., movies or series that either narrate the development of a journalistic investigation or the day to day of a TV newsroom, and in which journalists are the main characters.

Journalists are not the main character in *When they see us*, so the analysis of the representation of the press proposed in this paper differs from those aforementioned, since it only considers the scenes in which the media appear and not the production as a whole. After all, the series focuses on the five guy's experiences and their families, and not in the press' investigation or the trials, as it would be the case of a court dramatization such as *Just Mercy* (2019) or *The trial of the Chicago Seven* (2020).

When considering the scenes in which the press does appear in relation with the approach of the series, it is possible to see how DuVernay exposes what she considers a journalism's failure in two ways. First, the series shows the performance of the media during the case and how they limited themselves to the prosecutors' version. Second, it narrates the part of the story that journalists did not tell: that of the five teenagers and their families. Thus, *When they see us* does

not only show how the media acted during the case; it also tries to make amends for them by focussing on the perspectives they ignored.

Due to all that, this paper constitutes an original work for two main reasons. First, because, unlike most academic studies that investigate the press' representation within fictions that belong to the journalism movie genre, it analyzes a production in which the press appears but is not the main character. The series provides a relevant perspective because it shows journalism from the citizen perspective; it exhibits how the press' failure in fulfilling its role affects citizens in general and the five boys' families in particular. Second, because it goes beyond the study of the image of the press within the series; it also determines how, through this representation, the series is watchdogging the press and, consequently, participating in democracy. And this is something that has not been investigated yet.

### **The story behind the series**

On the night of April 19th, a group of youths from East Harlem were hanging out in Central Park. Some of them were committing assaults and robberies. The same night, Trisha Meili, a young white woman, was raped in the park and left almost dead. The police arrested some of the youths and considered them suspects from the sexual assault. Five of them were Raymond Santana, Yusef Salaam, Antron McCray, Kevin Richardson and Korey Wise. The five boys were interrogated and forced to confess their implication in the rape. During the trial, they defended their innocence and the evidence did not match, but they were condemned to between 5 and 13

years of incarceration. In 2002, the confession of the real attacker and DNA evidence proved the young men's innocence. The five convictions were vacated and they were released. Since then they have been called *The Exonerated Five*.

In 1989, DuVernay, back then an African American young woman, knew about the story through the media (NPR, 2019). The coverage she refers to is today considered an example of bad journalism (Dahl, 2011; Harris, 2019), and it has become part of the myth about the case. In fact, many journalists that covered the story have been self-critical about it (Dwyer, 2019). Within this criticism, it is mandatory to mention the documentary *The Central Park Five* (Burns, Burns and McMahon, 2012) that, among other things, exposes the media misbehavior during the case (Talks at Google, 2012). Three years later, Ava DuVernay was asked in a tweet by Raymond Santana to tell their story (The Exonerated Five 5, 2015) and she decided to make *When they see us*.

When asked about DuVernay's series, Sarah Burns said that it is "very accurate" (Giannota, 2019), and that there are "little points where things diverge from the timeline" (Giannota, 2019). She also said: "It was amazing (...) to see the lives of these men (...) brought to life in such a different way on-screen" (Giannota, 2019). And this is precisely why *When they see us* is different from the documentary; because fiction allows DuVernay to create a narrative that shows the victims' suffering and that explains how the prosecution by the police, the judicial system, and the press affected their lives and the lives of their loved ones.

*When they see us* is not the first advocacy production directed by Ava DuVernay. In fact, Santana contacted her after watching *Selma* (2014), a movie about the 1965 Selma to

Montgomery civil rights marches. DuVernay's fiction works, together with other productions such as *See you yesterday* (2019) or *Da 5 bloods* (2020), arise in a moment in which society has raised its voice against racism and systematic police abuse. They arise in a moment in which the Black Lives Matter movement, that exploded in 2013 when George Zimmerman was acquitted for the murder of the African American teenager Trayvon Martin, has materialized in demonstrations against different cases of racist police abuses, being the latest George Floyd's murder (2020). But the movie industry has been trying to present the story of the "othered" long before the current moment; it has been producing fictions like *Shaft* (1971), *The Spook Who Sat by the Door* (1973), or *Different Strokes* (1978) since the Black Civil Rights Movement of the previous century.

DuVernay, who has manifested in favor of these movements, has always tried to fight racism through her productions, so it is not surprising that Santana chose her to tell their story, nor that she accepted the proposal. And the story includes, just as Burn's documentary did, the five men's view of the press behavior. In Salaam's words:

"The biggest job I think of (...) journalism is to be the part of the investigation that dives deep and says hold on, (...) this story isn't adding up (...). What you find is that in many ways they [were] as vicious (..) as the system was" (11Alive, 2019).

In the same way, DuVernay says:

“They [journalists] were basically telling the public ‘these boys did it’. Without asking a second question (...) that’s the press’ response to this and the press’s failure around this case. It’s something that’s really important to interrogate as you watch it [the series]” (The Root, 2019).

Both the five men and DuVernay consider journalists as partly responsible for the injustice and the series is the way in which the filmmaker reports it: she retells a story that the press did not tell appropriately. Doing that implies to show the press’ failure, to do what the press should have done, and to offer some perspectives that are only possible within a work of fiction and therefore inaccessible to Burn’s work.

### **Journalism and fiction: a democratic role**

According to Kovach and Rosenstiel (2001), “the function news plays in the lives of people” (p.17) defines journalism. Thus, its major purpose is “to provide citizens with the information they need to be free and self-governing” (p.17). By doing so, journalists create a common language and knowledge that help to define a community to which citizens belong. This function includes contributing to the common good, influencing the shaping of public opinion, teaching citizenship, acting as gatekeeper by creating a meaningful agenda setting, and acting as watchdog of political powers (Blumler and Gurevitch, 1995; Kovach and Rosenstiel, 2001; Clifford et al., 2009). Therefore, “it is difficult (...) to separate the concept of journalism

from the concept of creating community and later democracy” (Kovach and Rosenstiel, 2001, p.18).

Journalism is considered then the ‘public connection’ (Couldry et al., 2010; Nærland, 2019), the main link between citizens and the shaping of democracy. This link implies the need of having a general knowledge of both the immediate and the universal, because “the act of witnessing, discovering or understanding what is important, and then conveying that in a way that various publics can understand” (Anderson et. al., 2015:112) is journalism’s “sacred task” (Anderson et. al., 2015:112).

In a different way, fiction also talks about the universal, since its artistic aim implies looking for a poetic and timeless truth. And sometimes it does so through the fictionalization of real stories, a proposal that has existed in cinema since its inception and that is increasingly being rewarded in relevant prizes such as the Emmys or the Oscars (Trenholm, 2019).

The question that arises now is: considering that fiction’s relationship with the universal is inherent to its artistic goal and that, many times, the current lack of time and resources limit the possibilities of journalism to the immediate (Mayoral, 2018; Wilson, 2018), could a based-on-real-events fiction share the democratic role inherent to the journalistic story it is based on? In the case of the *Central Park Five*, where the press failed, it could, but it does so in a different manner than journalism, since “the role of journalist -as truth-teller, sense-maker, explainer- cannot be reduced to a replaceable input for other social systems” (Anderson et. al., 2015:35).

### *The democratic role of based-on-real-events fiction works*

Based-on-real-events series or movies imply a combination of fact and fiction in which real facts constitute the starting point and are usually taken from journalistic works. Facts draw people's attention about an issue that is a current social problem and give the idea that watching the fiction production will provide a better understanding of the particular story and an overview of the current situation. In comparison, fiction facilitates the understanding of that situation in two ways. First, its narrative structures (seriality, setting or the use of plot points) create a strong dramatic impact that helps to hook the audience. Second, the possibility of going deeper into the reasons and emotions of characters procures a greater attachment. This connection with emotions also reveals how a based-on-real-events fiction does not limit itself to the veracity of facts; it goes further and looks for a more universal truth, since "although fictional narratives are not 'literally true', they can have truth value at the level of the work as a whole" (Meretoja, 2018: 184). Plus, people tend to believe that the intention of these fictions is to document reality, which reinforces their power of influence. Thus, the great impact of these productions put the stories they are telling back in the news agenda, as it happen in *Chernobyl* (2018) and *Unbelievable* (2019), based on the Pulitzer Prize *An Unbelievable Story of Rape* (Miller and Armstrong, 2015).

The use of 'based on' also implies that there can be infinite interpretations of the same event and, therefore, that the representation is always going to be subjective. And this is something to be considered, since "narratives can become dangerous weapons for political ideologies when



they are not presented *as narratives* but as neutral, perspectiveless statements of how things are” (Meretoja, 2018: 12). This lack of neutrality means that the narration of the events will be carried out from a specific perspective (Carmona, 2019), and the perspective chosen in *When they see us* is that of the five men and their families.

Retelling the story from this perspective was definitely one of the main intentions of the series, but it also seems reasonable to say that Netflix’s main purpose was to attract the maximum audience and, consequently, reach the maximum profit. And it did it; in October 2019, the miniseries had been watched by 25 million people and was one of the top 10 Netflix television series (Koblin, 2019). At the same time, DuVernay wanted the series to become part of the dialogue that exploded in 2013 with the Black Life Matters movement.

The goal was (...) to create something that was gonna be a catalyst for conversation. (...) to be able to create something (...) that is gonna move people to action, (...) to evaluate what they think and how they behave in the world (Winfrey, 2019).

The series also succeeded on this; the week after George Floyd’s murder (25th of May of 2020), the demand for the series in the US increased 147% (Parrot Analytics, 2020). Thus, although fiction’s commitment is not to truth but to storyline and entertainment and although there are indubitable economic interests, *When they see us* is also committed to the social and political issues underlying the story. And as part of this compromise, DuVernay exposes the press’ failure

during the case (*The Root*, 2019). But does DuVernay's attempt imply that the series is fulfilling a democratic role?

There is no globally accepted classification of fiction's functions, but there is some agreement that may lead to four main roles. First, fiction aims to achieve justice by reconstructing a story from a specific perspective and this idea of justice comes close to the concept of 'poetic justice' defended by Nussbaum (1995). Secondly, fiction provides an interpretation of reality; it helps us to see "an aspect of life we have encountered but never understood" (Scholes, 1968, p.23). Thirdly, fiction aims to entertain its audience (Scholes, 1968). Finally, fiction fulfills a memory role when it narrates a past event. Frequently, the interest of these historical events lies in their link with the current situation. There are of course some journalists, such as Joan Didion (2006), capable of finding the essence of an event immediately; but the possibility of going back to the past to explain the present is usually a privilege for historians and filmmakers.

Truth, interpretation, entertainment and memory. When fiction narrates a real event, it is "bringing depictions of social, public and political life into the private sphere of audiences" (Nærland, 2019, p.1) and therefore it "constitutes a potential resource for citizenship" (Nærland, 2019, p.1). And this resource means that fiction, despite its entertaining purpose, is also capable of participating in the debate about society's values; of helping citizens to build their identity; of creating a representation of the world that allows the audience to make sense of reality in a broader sense; and of participating in the dialogue about public rules (Curran, 2019). Because "fiction opens up the world in a certain way, and at the same time participates in transforming it" (Meretoja, 2018: 17). Thus, a based-on-real-events series is liable to become a tool for

shaping democracy, which implies acting “as a narrative vehicle for audiences to make sense of politically significant events” (Nærland, 2019, p.8); introducing an issue or extending its understanding; working together with other activities like following the news; involving “emotional investment” (Nærland, 2019, p.7); and spurring “feelings of belonging to interpretative communities” (Nærland, 2019, p.7). In the end, “the process of narrative engagement with the film world is an important factor to encouraging political discussion intention” (Landreville and LaMarre, 2011; 214).

As Meretoja says, “both fictional and nonfictional narratives can contribute to our sense of how to live in a historical world” (2018: 16), but they accomplish it in different manners; while journalism is tied to the veracity of facts, fiction is able to go after a more poetic truth and to fill in the gaps that journalists can not. This is the case of *When they see us*, which has received sharp criticism from some of the real characters of the story. In a letter published in *The Wall Street Journal*, the prosecutor Linda Fairstein described the series as “full of distortions and falsehoods” (Fairstein, 2019). Plus, Netflix and DuVernay have faced two lawsuits, one by Fairstein and one by the US police training firm John E. Reid and Associates. Netflix and DuVernay won both.

Conversely, the media have not filed any lawsuit against the series and they have usually recognized their failure (Harris, 2019). Plus, over the years and as events unfolded, they have changed their coverage, moving from considering the five teenagers' guilt as indubitable to making them victims of the justice system (Stratton, 2015). But there is still an agreement about the media's failure in 1989; a failure that is part of the myth that surrounds the case and of

which the series tries to make amends. It can not change the sentences nor the way the defendants were treated; but it can retell the story and show what, according to DuVernay, journalists did not do (fact checking, talking to the families) or could not do (the thoughts of the defendants and any other thing that only fiction can tell).

### ***Methodology***

This paper analyses the four chapter miniseries *When they see us* from a narrative perspective, following others' proposals such as Painter (2016), Foss (2018) or Bishop (2020). Here, *narrative* is considered "an oral, written, or filmed account of events told to others or to oneself" (Smith, 2000: 328) that "is used to refer to accounts of personal experiences, or the experiences of others, or to fictional accounts" (Smith, 2000: 328). Analyzing the series from a narrative approach implies connecting the story both with its context and with the perspective from which it is told (Smith, 2000), which makes it possible to understand it in relation with DuVernay's perspective, with the real fact in which it is based, and with the context in which it was launched. In Fisher's (1985) words:

The narrative perspective entails an analysis of stories (...). It insists, however, on the recognition that no text is devoid of context (...). The meaning and value of a story are always a matter of how it stands with or against other stories (358).

Following these considerations and after a first viewing of the series, the first step of the analysis was to determine what Foss (2020) calls the “objective of the narrative” (325), which in this case would be the aim of representing and reporting the failure of the press during the *Central Park Five* case. Of course there can be countless objectives within a narrative, but it is mandatory to find the one that is going to lead the analysis (Foss, 2018). For that matter and with the purpose of understanding both DuVernay’s and the five men’s view about the press behaviour, a study of media articles and interviews about the series was made. And this research corroborates, as it has been displayed along the previous sections, that the objective of the narrative selected for the analysis is one of DuVernay's main goals.

Once this objective was defined and justified, the analysis moved to its second step: “identifying the features of the narrative” (Foss, 2018: 327). This task implies focussing “on the key choices made by the storyteller that contribute to the story’s aim” (Foss, 2018:327). Since the interest of the analysis is in the series’ representation of the press, only the scenes that fulfill at least one of the following conditions were analyzed in detail:

- It is led by journalists
- It is not led by journalists but one or more journalists appear
- It includes TV images or radio audios corresponding to an news program
- It includes someone who is not a journalist talking about the media

Finally, 21 scenes that belong to episodes 1, 2 and 4 (the press do not take part in episode 3) were studied. These scenes were analyzed in the light of three main elements: the image (including *mise-en-shot*, *mise-en-scène*, montage, and the use of real or recreated images), the script, and the sound, specifically the use of voice-over.

Focusing on the analysis of the scenes in which the media appear have allowed the authors to establish a detailed description of the press' representation on the series and, consequently, to have an empirical resource to justify to what extent this representation constitutes a criticism to the media. Plus, relating this analysis with the articles in which DuVernay explains her goal while doing the series adds up the confirmation that the analysis' conclusions match with the directors' purposes.

## **Discussion**

The analysis of the 21 scenes in which the media appear will show how the press is presented as:

- Part of everyone's lives
- A public opinion maker
- An ally of the prosecutors
- A sensationalistic machine
- Opposed to those who acted properly

Before explaining in detail all these observations, it is important to point out that this analysis considers the miniseries' representation of the press during the *Central Park Five* case, but it does not discuss if it is faithful to reality. This representation is clearly influenced by the chosen point of view, the particularities of fiction's narratives, the beliefs of the director and the current socio-political context. However, the documentation work made by the producers should be considered, as DuVernay assured that they "read every single stitch of press coverage to really get an understanding of the way in which this was being reported" (Smith, 2019). Hence, the director looks for a representation of the press that she considers not only plausible but real and uses two kinds of images for it: real images of the press in 1989 (including television images and newspaper front pages) and images that are not real but imitate it. However, there is not a specific character who works in the media, as there are specific characters for the police or the judicial power. This hinders the understanding of the press' motives, which produces a harsher exposure of its flaws. The audience of the series sees the result, but not the process (except for a short scene in chapter 2).

Therefore and despite the bias aforementioned, it is worthwhile to consider *When they see us'* representation of the press not just as fictional, but as a representation (truthful or not) of the press during a real case.

### ***Part of everyone's lives***

In 1989, there was no social media or Internet giving voice to those who had another version of the story, so the series introduces the press as the one that informs citizenship and as part of everyone's lives. For example, Antron McCray's parents are woken up by the radio news (1, 13:10) and Korey Wise finds out about the 9/11 terrorist attacks by watching television in the prison he is serving sentence (4, 57:40). The same occurs with the case itself: what citizens know about the rape, the trial and the investigation is what the press tells them. Thus, already at the first episode (15:40), when the five teenagers have not been even accused yet, the assistant chief of detectives makes a statement for the press in which he tells them what the police know about the rape. Also, at the beginning of the second episode (00:00) after the five boys' arrest, 17 journalists' voice-overs narrate the case while the image shows short shots with different people in New York, from different cultures and social status, listening to the radio, watching TV or reading newspapers. Even some of the teenagers' relatives follow the case through the press. This happens with Antron's father, who has left his family and finds out about the trial by watching television at work (2, 17:15).

This way, *When They See Us* provides an image of journalism in which it appears as the only access point whereby citizens learn about relevant social and political issues. In this sense, the absence of the press in episode 3 is relevant itself. This part focuses on the new life of four of the exonerated after their release and on how the incarceration affects them and their families. Not having journalists in this episode gives the idea that they disappeared as soon as the trial ended, forgetting about the five young men who were trapped in a system that withheld opportunities from them after their release.



### ***Public opinion maker***

According to the series, the press also biases how some characters behaved. For example, in the scene where Linda Fairstein arrives at the police station the morning after the rape and sees the press waiting outside, she says: “I gotta get this statement out. There are a few reporters out there” (1, 09:10). The same character, when pushing the attorney Elisabeth Lederer to lie about evidence during the trial, tells her: “The whole country is watching. They are watching you” (2, 32:10). By comparison, Sharonne, Yusef’s mother, uses the power of the press to stop her son’s interrogation when she says: “I think I’ll actually call The New York Times and inform them that you are knowingly interrogating an unaccompanied minor in defiance of his mother” (1, 43:40).

With Sharonne’s lines, the series presents the press as capable of guaranteeing citizens’ rights by monitoring the spheres of power and by telling the truth. It seems to consider that journalism has the power to shape public opinion, which makes both policemen and prosecutors concerned about the information they give to the press. The problem, and here is another of the series’ criticisms, is that despite journalists being able to guarantee citizens’ rights, they do not do it because they are not actually looking for the truth; they just want a credible version of the story.

### ***Ally of the prosecutors***

Although the prosecutors and the police are afraid of what the media may say about them, *When they see us* shows a press that acts as their ally instead of as their watchdog. And this is perhaps the series' biggest complaint; it shows a press that unreservedly accepts the official version of the story without questioning it. Thus, it constantly opposes images of what is really happening (including concealment of evidence and police lies) with what the press says is happening.

The first scene in which this synergy between the prosecutors and the press appears is at the end of the first episode (59:30), when the five teenagers are led, one by one, from the police station to a police car that will drive them to prison. Outside the building, there are policemen, prosecutors and journalists, and they are all staring at the boys and taking pictures as if they were just one group. Moreover, the fact that they walk out the police station door one at a time creates a sense of spectacle in which the press is part of an audience whose sole apparent interest is to enjoy the show. All this adds up to the interleaving of flashbacks of the five teenagers enjoying their normal lives before everything happens. These flashbacks are from the beginning of the episode and they make the injustice more obvious by showing what the boys have lost.

In addition, the series uses journalists' voice-overs to narrate the case at the beginning of the second episode (00:00), dedicated to the trials. With this start, journalists appear again as those who inform the public and they become partly responsible for the injustice because they blindly supported the official version. And the series shows that what the press said was false because it also has shown what it presents as the truth along the first episode. Thus, there is a contradiction

between what is shown as true in the first episode and what is told by the press at the beginning of the second.

Plus, the plausibility of the criticism increases because the series is constantly introducing real and recreated images that make the scenario more believable. This is particularly clear in episode 4, dedicated to Korey Wise's incarceration. In an episode full of painful experiences for Korey, the series includes through the media real images of musical groups, of the Waco massacre and of the terrorist attacks on the Twin Towers. With them, DuVernay is trying to remind the audience that no matter how surreal Korey's experiences seem, they were real, they happened.

There are also recreated images that increase plausibility. They are not real but they are definitely copying many details (clothes, gestures, places, etc.) from the images filmed by the media in 1989. This is the case of the aforementioned scene in which the five teenagers leave the police station at the end of the first episode (59:30).

However, the series does not limit its criticism to the alliance between the press and the prosecutors. It also pays special attention to Donald Trump, back then a businessman who demanded the death penalty for the five teenagers and to whom the press gave great attention. Trump, who really ask to bring back the death penalty, appears in the series just trough real images from 1989, which increases the series' credibility and connects it to the present, in which he was (during the series' recording and release) the president of the United States. That way, Trump's images could be interpreted as a wake-up call for US politics.

His alliance with the press is shown in three scenes of the second episode. First, when he appears on television saying that he hates “the people that took this girl and raped her brutally” (03:00). Just after that, a journalist spells out that he paid \$85,000 to some New York newspapers for a full-page advertisement whose headline says “Bring back the death penalty” (03:12). Second, at the arrival to the trial, when a journalist asks Yusef’s mother if she has “any response to Donald Trump calling for the death penalty” (06:50) for her son. And third, when Korey’s and Yusef’s mothers are watching him on television talking about how “a well-educated black” (08:02) has “actual advantages” (08:08). Here, the two women ironize about the fact that he is usually on television by saying that “his 15 minutes [are] almost up” (08:34). With these three scenes, the limited-series presents a press that gives visibility to a man without considering the morality of his intentions. Plus, the three times Trump appears on television, those who are watching him are relatives of the five teenagers, which show how Trump’s protagonism on camera affects the families.

### *A sensationalistic machine*

The idea of a press that failed in its democratic duty is reinforced by the way journalists build their messages. The series profiles a sensationalistic press in which morbid curiosity overwhelmed the truth. One example can be seen at the opening of the second episode, when a newspaper journalist dictates what he is writing about the case. “They had only one goal: to smash, hurt, rob, stomp, rape. The enemies were rich” (01:09), he says. Then, he interrupts his

dictation and tells his workmate that he needs “another for emphasis” (01:20), and his colleague replies: “Their enemies were white” (01:25). This is the only time in which there is a concrete character representing the press. The journalist is Peter Hamill Jr., a New York Post famous columnist of the time, and the lines he is dictating are part of *A savage disease*, a column he published in 1989. Here, the fact that the series includes lines from a real column reinforces its plausibility but it also mixes a real article with a created interpretation of the journalist’s intention while writing it. What the journalist writes in the series was really published in 1989, but the scene in which he writes is not real. There is no way to know if the journalist said the victims were white just to make their article more striking. Thus, this scene makes an interpretation of the journalist’s intention that picture the press as a sensationalistic machine.

This sensationalism is especially depicted with the use of a particular vocabulary. Again, the fact that the series tells a real story carries a lot of weight, since many of the expressions said by journalists in the series and the headlines of the newspapers that are shown on screen were said and written by the press. In fact, DuVernay claimed “that 89 percent of the articles that were written at the time, by the New York papers, didn’t even use the word ‘alleges’” (Smith, 2019), which constitutes a violation of the journalistic practice. In the second episode, journalists call the five youths “pack of teenagers” (02:40), “attackers” (20:11) and “wolf pack” (01:53); they say they were “coming downtown from a world of crack, welfare, guns, knives, indifference, and ignorance” (00:35); and they state the young men said they were “wilding” (01:32), falsely attributing them a negative expression that, according to the series, had been mistakenly created by the police (1, 09:50).

The morbid curiosity of the press and its lack of sensitivity is also represented in the way they treat the teenagers' families. When Deloris, Korey's mother, arrives at the police station, some journalists assault her trying to get information (1, 51:10). The harassment is represented through quick camera movements, constant sounds of flashes and the mix of journalists' voices repeatedly asking questions: "What's your son's name, ma'am?" (1, 52:20), "what's your name ma'am?" (1, 51:45). Plus, they assume Deloris' son is guilty of the rape when one of them asks her if she has something to say to the victim, who is "fighting for her life" (1, 52:00); they completely ignore the three times she asks not to be on camera; and they do not listen to her when she says that no one has told her that her son had been arrested since the day before. She gives them this information but they do not take it seriously nor do they investigate how it has happened. Moreover, the scene includes shots of Korey in the waiting room of the police station being called by a policeman when he was not even arrested in the first place. This interplay between the press harassment suffered by Deloris and the images of Korey being abused by the police, creates a scene in which mother and son are mistreated by two institutions that seem allies. Something similar happens when Kevin's sister arrives at the police station (1, 38:50). The press does not ask her anything but, while she is crossing a group of journalists, we can hear the voice of the policeman who is harassing her brother. Again, police and press share a scene in which one of the boys and his family are suffering.

Moreover, in the second episode (06:38), as it has been said, a journalist asks Yusef's mother about Trump's demand. After listening to the question, Yusef's mother loses control and starts yelling at the journalist, who does not stop asking about the issue. The scene ends with mother

and son hugging out of the reach of cameras. Once again, between quick camera movements and flashes, the series shows an insensitive press when dealing with the boys' families. And here, DuVernay includes not only New York's journalists but any press. Thus, there is a scene (2, 21:10) in which Santana's father is stopped by a Spanish-speaking journalist who asks him how he feels about his son being called a sexual predator. However, the reaction of this journalist differs from others, since, when Santana's father replies, she stops talking and looks at him with astonishment.

Hence, the harassment of the families and the use of a sensationalist vocabulary show again the failure of the press in fulfilling its democratic role. Here, not only the script but also the *mise-en-scène*, the *mise-en-shot*, the camera movements and the recreation of some images of the time allow the series to present what the victims and their families experienced.

### ***The press' opponents***

*When they see us* defends that the press did not give voice to the victims and that it followed the prosecutors' version. However, there are some people in the series who clamor against the injustice. On the one hand, the entrance to the court appears surrounded by protestors incessantly shouting: "Protect the black youth!" (2, 20:30). On the other hand, there are two activists that are interviewed by the press during the trial. They are Nomsa and Elombe, a real black couple who, in 1989, condemned the injustice committed against the five teenagers. Somehow, it could be said that this couple also represents DuVernay's own opinion and put into

words the great injustice that is shown during the four episodes. During their interview, there is explicit criticism of journalists when Elombe says: “We are here to point the finger at the white press who have failed. You have failed to properly investigate this. You have failed to ask the right questions” (2, 21:00). And he adds: “You’ve been spoon-fed a story and you’ve eaten it up. But we’re not here for stories. We’re here for the facts” (2, 21:30). Related to this claim, it should be mentioned that one of the criticisms to the series has been that it considers all the media as a whole and it does not show the Black Press that defended the five teenagers’ innocence (Tatum, 2019). Plus, this scene includes another significant element: the music. While Elombe speaks and until the end of the scene, the song that sounds is *Love & Hate* from the black singer Michael Kiwanuka, and it belongs to his album *I’m a Black Man in a White World*.

Anyway, Nomsa appears again at the end of the series; she is the one who gives the final speech about the five men’s innocence in front of the press, the protestors and the families, with the five men on stage. Her voice is alternated with the scenes in which the victims find out about their exoneration and with images of them and their relatives. During her speech, Nomsa charges against the press by saying: “If the police had done their job (...), if the prosecutors, if the press had done their job, not only would five young lives not have been destroyed, but many women would not have been subjected to the violence by the actual rapist” (4, 01:15:03). But what is more interesting about this scene is that DuVernay changes, for the first time, the narrator. Until this moment, the press has been shown as being responsible for telling the story to society and as having failed to do so. Such is the power of journalism that even Kevin Richardson finds out



about his own exoneration through the news (4, 01:14:30). But in this final scene, the press fades into the background and loses its chance to reveal the truth and to properly fulfill its democratic role.

## **Conclusion**

The analysis shows that *When they see us* represent a press that is part of everyone's lives and the main tool in shaping public opinion, which constitutes part of its democratic role (Kovach and Rosenstiel, 2001). However, the miniseries also reports how, despite having the power and the capacity, journalists failed to carry out their role. Hence, journalism is also presented as a sensationalistic machine that acts as an ally of the political powers instead of as its watchdog. Whether this representation is a truthful representation of the press during the *Central Park Five* case or if this representation can be extended to journalism as a whole is not the purpose of this paper but should definitely be discussed.

Ava DuVernay is trying to retell a story that she considers the media did not tell appropriately in order to make justice, and the constant use of real images in the press' scenes is decisive for the plausibility of its representation, because these real and recreated images strengthen the idea that the injustice perpetrated by the press in the series also took place in reality. The denunciation of this injustice, which is clearly affected by DuVernay's own background as an African American woman filmmaker who has experienced the intricacies of journalism, does not necessarily imply a truthful representation of the press, but it creates a powerful criticism. Furthermore, this

criticism, together with the clamor against the prosecutors and the police, builds a whole complaint that somehow participates in democracy as it acts as a watchdog of political powers, in which journalism has been included. Thus, it constantly shows a press that accepts the official version without questioning it; a press that prefers sensationalism instead of the truth; a press that behaves insensitively with the five teenagers' families. In the end, it shows a press that fails to fulfill its function and that becomes an ally of the prosecutors. This behavior, together with the unilateral power of influence that the press enjoyed back in 1989, before the Internet and social media era, places journalists as partly responsible for the injustice.

In addition to reporting the press' failure, it looks like the miniseries is trying to make amends for it by going deeper into the five teenagers' experiences and their families' suffering. That is to say, it tells the story from a point of view that the press did not consider. Of course, there are some borders that journalists could not cross (for instance, they could not go into Korey's cell). But the series suggests that the media failed in listening to the defendants' version, in paying attention to the families, in considering the other side of the story. It suggests that they failed when they ignored their duty of going deeper into what was happening.

Plus, the miniseries may offer a better understanding of a current socio-political issue. In her production, DuVernay takes the concern about the abuses of power against African American and Latinos and explains what happens and how it happens by narrating a past example. Thus, the director takes a widespread concern, that is also her own, and explains it. Curiously, one could consider, as Didion (2006) did, that this is what the press was trying to do in 1989, when

the official version of the *Central Park Five* case fit with the biggest worry at the time: the increasing violence in New York.

With all that, *When They See Us* proves that a based-on-real-events production can become part of the public debate about relevant social and political issues; that it can expose the political authorities' failure, which, somehow, makes it a watchdogging tool. But what is more interesting about *When They See Us* and about the fact that it acts as watchdog of the political powers, is that it includes the press in its surveillance, when journalism is historically known as the watchdog *par excellence*.

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