

PULL FOCUS

DAWN PORTER, DIRECTOR/PRODUCER, "GIDEON'S ARMY"

From Lawyer to Filmmaker: The Origins of "Gideon's Army"

I am a lawyer but I was not a public defender and I didn't really know anything about public defenders, I mean I knew very little, and I was introduced to Jonathan Rapping who used to be the trainer for public defenders in the DC public defender service. And he is this very energetic high-spirited guy, and he invited me to Alabama to film his new class of young public defenders so I flew down there in July of 2009 and what he does is a training and mentoring program. So I got down there. I didn't know what to expect and I didn't know what the students would be doing and when I saw them, I mean, it was right away -- I thought what they're doing is just so unique and so important, and it kind of hit me at a lot of different levels. I thought, young people don't get a lot of respect. They certainly don't have a lot of reputation for being socially active and socially conscious. And these young people were so smart and dedicated and capable they could do anything, and they were talking about poor people, about justice, and I just thought that was interesting. And then as a lawyer I just thought they were so happy. These lawyers, they are so consumed by what they do and they have such a goal of doing it well. And so really I just started with wanting to figure out why they are so happy. Why would anybody want to do this really hard job? And then from there it evolved to, if you're a public defender that wants to do a good job, what is that like for you? We all know about bad public defenders, but if you want to do a good job, what is it like? I started out thinking I would follow Gideon's Promise, which was a really unique teaching model. They bring people together for two weeks for like a lawyer boot camp, but it's also a mentoring program. But then I started thinking, as much as I love the training program, it's really the lawyers that are heart of the story. You need to understand what they're actually facing to understand why we need the training in the first place. So I filmed over three years, and as we saw the footage coming back, the story definitely unfolded. I always wanted it to be in the voice or through the eyes of the

public defender. One thing that I always assumed was that I would interview judges and prosecutors, but the prosecutors all said no so I thought, well, if I can't interview them... First it was really disappointing and I was trying, trying, trying. And then I thought, you know, this could just be through the eyes of the public defender, and I don't need to demonize anybody. So I tried really hard to give the prosecutors their best shot, to not shoot them in a unflattering way, because I don't think -- I don't believe that a prosecutor is evil. It's that the system is flawed and stacked against one side. So in the end I thought, you know, some people I think would like to hear from prosecutors, but I thought I don't really need them for the story I am interested in.

The cases were -- you know I think in some ways we got lucky, but you know there's always -- you need a little bit of documentary film luck. But I asked Brandy and Travis to think about what cases they thought might be good ones to shoot, and by good it meant that there was a chance of going to trial so we could have a chance of seeing a trial. Ninety-five percent of the cases plead so there are very few trials in the first place to ever show, but also where the participants would be willing to be filmed. And particularly if the participants were out of jail, if they had managed be out, because then I could film with their families. So they recommended a few and these two just, you know, both their families agreed right way and let us spend time with them. I think that made all the difference. You know, in a time where the profession of the law is taking a lot of beatings, and pretty rightly so -- when you see the example of a lawyer whose job is to defend the Constitution, there's something about that -- I think it's heartening for people, you know. It is the sixth amendment. It is the right to a fair trial. I'm not a person who doesn't believe in punishment. I believe in punishment, but you know -- that's why we started the film with Travis saying, "If you're gonna take my Liberty, you gotta do it right." You can't just say, "Eh." You know, it is the most sacred thing that we have -- our freedom. And the consequences of being arrested and imprisoned are lifelong. Even if you get out, once you're a convicted felon you can't vote, you can't get student loans, you can't live in public housing, sometimes you can't get a driver's license. Your driver's license is immediately taken away, all the things that would help somebody get out of

poverty, but also all the things we take for granted that are just basic, you know -- we can move freely without being searched. That is a fundamental freedom that we take for granted and that is not the case for 65 million people who are under the supervision of justice system, whether or not they are incarcerated. So you know I think it's important and I think that it's something, whether or not you're in jail or someone you love is in jail, it's something that we should care about. So, I am hopeful.

"There's Never Been a Better Time": Making an Impact

By luck, the film premiered just before the fiftieth anniversary of Gideon v. Wainwright, and so it was a great confluence of events that got a lot of news-press about the fact that there was a film. But there's also something about seeing someone's experience that I think really enriches your understanding, so a lot of articles were written. But having the film I really think did contribute to the public discourse.

The biggest reaction I get from people who are not lawyers is they're just appalled, and they just say, "I didn't know. I didn't know what was happening. I didn't know how hard it was." I feel like I can see that moment when there's just a little bit of room for some more information or some other data points to enter their lives. And this film does not cover everything about indigent defense, it's very small. But I think -- I hope what it does is to create a wedge, to create an opening so the next time they see somebody's mug shot or read about something they think, "Wait a minute, maybe there's another side."

I started my speeches asking people who haven't seen the film, how many people's lives could you represent at once? And people say "Two?" or "Five?" and when you think about it, that's a lot of work to do. You have to investigate, you have to know their families, you have to -- you could see how that would seem (hard). So then when I say they have a hundred-plus, or 500 in Miami, you know, plus misdemeanor cases, I think people... Because sometimes really big numbers, they're so big that they're not meaningful. You have to have a comparison. So if I say you have to walk 10 miles, if

you know what half a mile feels like, you're like, "Wow, ten miles is really -- " But you have to have something to compare it to and most people don't, so I try to give people a sense, like, how many things do you do at work everyday? How many different projects? Are you working on a hundred and fifty different projects where you have to start, you have to get up to speed, and where, you know, there's a license, and somebody could go to prison if you don't do a good job. That means a lot of pressure. So I think people understand that, and they think that that's not good for our justice system. You know if anything the film has done, I think it's starting to help that conversation along.

And then for public defenders -- you know, I was a little worried. Public defenders can be a really tough audience, you know, they do a hard job. They're kind of anti-authority often. But you know from many people I have heard they want to show the film to their parents, that they haven't been able to explain to people why they do their jobs and that the film helps them say why they do.

There has never been a better time for something concrete and real to happen. The Attorney General Eric Holder made introductory remarks for the film at silver docs this year -- I guess it's AFI docs now -- and then about 3-4 weeks later he announced a major policy shift that the federal government would not -- he was directing prosecutors not to pursue low-level drug crimes as felonies, which is a major (change). So I'm taking all the credit for that! But I think with that announcement, you know -- the federal government's pronouncement on drug crimes and how they should be treated is a guide, is a signal to the states, so that's a major shift. The recent New York State finding that Stop and Frisk as applied -- just stopping young men of color -- is unconstitutional, that's a really good policy decision. And then the fact that so many states cannot afford to wholesale incarcerate people from low-level crimes. So I think that there's an economic push, and there's a bit of a social justice push, and so there's a really great opportunity now for people who have been doing this work for a long time to come in

and you know close the deal and really make some reform effort. So I'm pretty encouraged. I tend to be optimistic person.

"I'm Glad They're In My Life": Getting to Know the Characters

Well all the public defenders in the film were part of this Gideon's Promise training program. So from the very first day of filming I saw all these like energetic young people, and then I just asked for volunteers, for people who might be willing to be interviewed, and all of them raised their hands. And then I actually started following 5 people. But one was in New Orleans, Louisiana, but I couldn't get access to court. They wouldn't let me film in court so I thought, we can't really tell enough of her story. And another one was in Mississippi where we had June and June's story kinda came together a little more quickly. And by then HBO had already bought the film and they were like, "Five people are too many so pick your three," and June's was kind of a little further ahead. I didn't have a grand plan, you know, and when I asked them to participate I don't think they thought I would be filming for three years. So they were very patient with me. I was certainly nervous about a lot. But I filmed so much with them that I thought, they have to be disappointed. Because I have like 600 hours of footage over three years. But they never like second-guessed anything, I mean they're probably really unique people about that.

You know when you make a documentary film it's a very intimate relationship, and you know the biggest gift that our characters could give us is to allow that intimacy. And so you know, you really spend a lot of time with them. I mean, I remember distinctly like winding up and I would go shoot and then go home for a few weeks and then go back, so it wasn't unusual for me to say, "Okay, I'll see you next time!" And then there came a time with Brandy and she was like, "This is it? You're not coming back?" and I think it's hard for them, too. They're like, "Oh, I'm gonna do this great thing on Tuesday," I'm like, "We're done, we're not filming anymore." But I'm still in touch with both of them, all of them actually. June's coming today to American (University) and it going to be here. I

spoke to Travis on Saturday. I'm Brandy's -- I'm the godmother of her daughter. So they will always be -- I feel very close to all of them. I'm glad about that, and I'm glad they're in my life.

You know what's interesting is none of them asked to see any footage during the filming. We never really got cold feet, they never -- so finally two-and-a-half years into it I had something I really wanted to show Brandy just because I liked it, and it was the first time she ever saw anything and she was like, "Dawn Porter, I think this is a movie!" But she didn't see it until Sundance, the whole movie, so I think that that was a pretty great way to see it. And Travis also saw it on a big screen, and they all love it. I'm proud of them and they're proud of it. They go to speak now, Brandy got a job offer as a result of the movie. You know I think Brandy gave me the best compliment, they all have -- they said, "You really captured our feelings about our job," and you know I'm really happy that they felt like that.