DISCUSSION QUESTIONS

1. Stevenson remembers his grandmother telling him throughout his childhood, ”You can’t understand most of the important things from a distance, Bryan. You have to get close.” How do we see the author getting close to issues of punishment and mass incarceration throughout the book? What are some examples of Stevenson getting close to the incarcerated people he works with? How does getting close to Walter McMillian affect his life? Stevenson writes that injustice occurs when “we allow fear, anger, and distance to shape the way we treat the most vulnerable among us.” As you begin your collegiate studies, how will you get close to the issues that are most important to you?

2. After working with low-income and incarcerated people for many years, Stevenson came to believe that “the opposite of poverty is not wealth; the opposite of poverty is justice.” How do you see poverty affecting people’s lives in Just Mercy? Are there any examples of poverty and justice existing at the same time? What are some of the different meanings of the word “just” used throughout the book? Have Stevenson’s experiences influenced your own definition of justice?

3. As you read the book, what were your reactions to descriptions of the criminal justice system? Why does the author compare his own brokenness to the brokenness of the system? Do you believe that broken people can be healed? What does it mean to show mercy within a broken system?

4. Stevenson writes that there are four primary institutions that shape the conversation around race and justice today: slavery, racial terror and the threat of violence against people of color, Jim Crow laws that legalized segregation, and mass incarceration. How do you see these institutions affecting cases throughout the book? What examples of racial discrimination within the legal system can you find within the text? How do we see the history of racial bias in the United States impacting prisons today?

5. Were you surprised by the prevalence of improper legal representation in the cases profiled in Just Mercy? What examples of discriminatory jury selection does Stevenson share? What factors do you believe should influence jury selection? Explain your reasoning. Numerous examples of judicial misconduct are also cited in Just Mercy, from destruction of evidence to prosecutorial misconduct. Why do you think sheriffs, lawyers, and other government officials proven guilty of misconduct are still on active duty? What reforms, if any, do you believe should be made to the legal system?

6. There are countless examples within the text of courts refusing to review new evidence or grant new trials, stating that it is too late for new information. We also hear about the media experiencing “innocence fatigue.” What do you believe contributes to indifference towards claims of innocence? Should people with claims of innocence have their cases reviewed in a timelier manner? Should victims’ family members be involved in the review of innocence
cases? Do you believe our legal system operates under the principle of innocent until proven guilty? Please support your argument.

7. What examples did Stevenson share of low-income individuals and/or people of color in difficult circumstances being presumed guilty before presenting their cases? He writes, “Executions are an example of how policies and norms are used to control and punish blacks.” Why are 80% of people on death row convicted of crimes against whites while 65% of homicide victims are black? Why is a death sentence more likely if a defendant is black and the victim is white? Do you think race and class should factor into a court case? Please explain your reasoning.

8. Walter McMillian was the 50th person exonerated from death row in the United States. Today, 146 people have been exonerated, many after serving decades in prison. What challenges do you think formerly incarcerated people, whether deemed innocent or not, face when they reenter their community? What support, if any, do you believe the government should grant former prisoners? Once proven innocent, do you believe an exoneree should receive compensation for their wrongful incarceration? Please explain your reasoning. Why are states, as Alabama was in McMillian’s case, unwilling to accept responsibility for wrongful convictions?

9. In 2010, in *Graham v. Florida*, the Supreme Court ruled that sentencing juveniles to life without parole for non-homicides is unconstitutional. And in 2012, in *Miller v. Alabama* and *Jackson v. Hobbs*, the Supreme Court ruled that juveniles convicted of murder cannot be subject to a mandatory sentence of life imprisonment without the possibility of parole. According to the ACLU, approximately 2,570 children, some as young as 13 years old, have been sentenced to life without parole in the United States. How does incarceration affect children differently than adults? Do you agree with Stevenson that punishments for children are “intense and reactionary”? Should all juvenile offenders sentenced to life without parole be eligible for a new sentencing hearing? How should families of victims murdered by juveniles be involved in sentencing hearings, if at all? What difficulties or complications could arise within the system if all juveniles sentenced to life without parole are granted new hearings?

10. Many prisoners who have spent years on death row or in solitary confinement describe their experience as being buried alive. Prisoners are often subjected to rape, assault, and violence and have an increased risk of suicide. What protections should exist for incarcerated people? Do you believe that putting someone in uninterrupted solitary confinement for 18 years, as we read in the case of Ian Manuel, is ever warranted? Do you believe additional protections should exist for juveniles? What kind of punishment, if any, should exist in prisons?

11. 50% of the people in jail and prison today have a diagnosed mental illness, with 1 in 5 having a serious mental illness. Why is severe mental illness often ignored at trial? Do you believe mentally ill people convicted of crimes should receive different treatment? In 2002, the Supreme Court ruled in *Atkins v. Virginia* that executing individuals deemed to be “mentally
"retarded" is cruel and unusual punishment. What other protections should be considered for prisoners with proven mental illness, including those who have committed violent offenses?

12. Rena Mae Collins’s aunt approaches Stevenson after Herbert Richardson’s hearing and tells him, "We can’t cheer for that man you trying to help but don’t want to have to grieve for him, too. There shouldn’t be no more killing behind this." How do you believe victims’ family members should be involved in legal cases? How do you see the government acting on behalf of victims in the book? McMillian's mother tells Stevenson, “I feel like I’ve been convicted too.” How do you think family members of people convicted of crimes should be treated?

13. What factors prevent mitigating evidence (information about a person’s background and upbringing that may reduce punishment for an offense) from being presented at trial? Why would a judge or a jury lack interest in significant, compelling mitigating evidence? Do you believe Richardson’s sentence would have been different if evidence was presented on his history of abuse, mental illness, PTSD, and military service? What does Stevenson mean when he writes, “We all need mitigation at some point”?

14. Before Richardson’s execution, correctional officers at Holman Prison were helpful and attentive to his requests. Stevenson asks, “Where were these people when he really needed them?” What support do you believe Richardson should have received while he was struggling with childhood sexual abuse, PTSD, and disability? What does this say about the function of prisons today? What do you think the role of prisons should be?

15. There are many examples of police traumatizing communities of color throughout the book. Why do you think McMillian’s supporters had to go through a metal detector and past a German Shepherd at his trial? What historical traumas are perpetuated by the criminal justice system today? How is this mirrored by the story “Of the Coming of John” in The Souls of Black Folk by W. E. B. Du Bois? When police enter a community wearing military gear, what kind of response does it evoke?

16. Stevenson notes the influence of several books that informed his own opinions about justice, including The Souls of Black Folk by W. E. B. Du Bois and Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II by Douglas A. Blackmon. How did these books impact him? What authors or books have informed your own opinions about justice?

17. In 1996, people with drug convictions were banned from receiving public benefits including housing, welfare, and student loans. Two thirds of women in prison are incarcerated for nonviolent crimes, many for writing bad checks or committing minor property crimes. Stevenson charges that these policy changes have “created a new class of untouchables.” What are some of the consequences of this class division? What factors lead to an increase in felony charges for nonviolent offenses? Do you think race and class affect sentencing for nonviolent offenses?
18. Do you think Stevenson had any idea that representing indigent, incarcerated people was going to be his life’s work? How did he take care of himself while doing difficult and exhausting work? What did he struggle with and what kept him from quitting as he “beat the drum for justice?” As you begin to pursue your own college career and then your life’s work, how will you stay energized without burning out?

19. In the epilogue, Stevenson writes, “The real question of capital punishment in this country is, do we deserve to kill?” What was your opinion about capital punishment prior to reading this book? Did reading Just Mercy change your opinion about whether or not the United States has the right to execute its citizens? What other questions did this book raise about capital punishment?

Source: Penguin Random House
Tim Adams
Photograph: Caleb Chancey

Early in the morning of Martin Luther King Day, 19 January, I walked up Dexter Avenue in Montgomery, Alabama, to the Baptist church where Dr King had been the pastor. The plain red-brick building is in the shadow of the state capitol, a grand colonnaded white house at the top end of the broad avenue. Walking up there at a chill, cloudless 7am took me past some of the stations of the cross of the civil rights movement.

At the bottom of the hill is the stop at which Rosa Parks stood 60 years ago waiting to take her fateful seat on the bus home. Near the top of it is a simple stone monument that commemorates the end of the Selma to Montgomery march led by King 10 years later (and now celebrated in a Hollywood film).

This morning the path between these singular turning points of history is closed to traffic and bristling with state police and Swat teams. Surveillance helicopters judder overhead. The Republican governor of Alabama, Robert J Bentley, has chosen this day for his inauguration to his second term and a parade is planned; a red carpet is being unrolled on the capitol steps. I’m vaguely disconcerted to realise that as I walk I can measure my progress up the street, the only non-uniformed sign of life, on the crackle of police radios (“white male advancing up left side of avenue with laptop shoulder bag”… “I see him”).

At the top of the hill it takes me a few moments to discover Martin Luther King’s church. There is no statue to him in Montgomery. His church is looked down upon by a lofty bronze of Jefferson Davis, last president of the confederacy, white supremacist and owner of 100 slaves. In Alabama, as I’ve been politely corrected a couple of times already this morning, this particular national holiday is named not only after the civil rights leader but also after Davis’s fiercest general: it is, by statute, “Martin Luther King/Robert E Lee Day”. Later, a traditional birthday cake will be served at the capitol building in the general’s honour.

I’m in Montgomery to talk to Bryan Stevenson, a lawyer who established the Equal Justice Initiative (EJI) in Montgomery 25 years ago, and for whom such symbolism has long been crucially important. Stevenson, who grew up black in segregated Delaware, and graduated from Harvard Law School, first came here to offer his services as the pro bono defender of inmates on death row in Alabama. The EJI has subsequently saved 115 men from the death sentence. Stevenson has also petitioned successfully in the Supreme Court to end the legal incarceration of children as young as 13 to sentences of life without parole in adult prisons. Along the way, in the heart of the heart of Dixie – his office stands next to the Hank Williams museum – he has been a tireless advocate of the pressing need to confront racial bias at every point in the American justice system.

In his work, in Alabama and beyond, Stevenson has made many enemies, but quite a few significant friends. Archbishop Desmond Tutu, a man who knows a good deal about struggle and justice, calls him, without qualification, “America’s Nelson Mandela”. President Obama, in the wake of the violent reaction to the police killings of Eric Garner in New York and Michael Brown in Ferguson, Missouri, appointed
Stevenson in December to a taskforce that will report on the state of law enforcement in the union (they had their first public meeting in Washington DC last month). Stevenson has been awarded just about every honour that international justice can bestow, from an Olof Palme award in 2000 to a $350,000 Lannan grant last week (each time he receives a prize he puts the money into EJI’s always stretched coffers). He is also the recipient of more informal accolades. His 2012 TED talk, “We need to talk about an injustice”, is said to hold the record for the longest standing ovation given to any TED speaker.

Over the weekend in Montgomery I have been reading Stevenson’s powerful, profoundly affecting memoir about his ongoing campaigns, Just Mercy. The book will be published in Britain this week. He frames it with the story of Walter McMillian, his first and highest-profile death row acquittal. McMillian, a black man with his own timber business, was wrongly convicted of the murder in 1986 of a white 18-year-old shop assistant, Ronda Morrison, in Monroeville, Alabama, the town made famous for a comparable fictional miscarriage of justice in Harper Lee’s To Kill A Mockingbird. Despite apparently incontrovertible alibis that placed him at a barbecue at home when the killing took place, McMillian, who had been known to be conducting a love affair with a married white woman, was found guilty of the murder and given a death sentence by a judge named Robert E Lee Key. He lived for seven years on death row before Stevenson’s intervention eventually resulted in a retrial. At that trial the state’s key witnesses admitted on oath that they had, under severe police pressure, entirely fabricated their eye-witness statements against McMillian, and he was eventually freed. Stevenson’s role in the case, and its detail, saw him widely compared to Atticus Finch, the lawyer in Lee’s novel. He did not welcome the comparison, not least because Finch’s client, Tom Robinson, was found guilty and killed in prison.

Walter McMillian is reunited with friends and family on the day of his release in 2003 following an EJI campaign. He served six years on death row for a crime he did not commit. Photograph: eji.org

Stevenson meets me with a generous smile in his offices just round the corner from the Dexter Avenue parade. Despite the troubles he has seen, he looks younger than his 55 years. He speaks with the charisma and fluency of a trial lawyer, quietly and exactly. His speech is punctuated with aphorisms designed to make you stop and think. “The opposite of poverty is not wealth,” he will say, “it is justice.” Or, speaking about capital punishment, “The question is not whether these people deserve to die for what they have done; the question is whether, given our history, we deserve to kill them.”

Stevenson’s book came out in the States in the autumn, almost at the height of the riots in Ferguson, Missouri. It documents, in a measured, anecdotal way, the inside story of the policy of mass incarceration, the barely credible inhumanity that has seen young boys kept in solitary confinement for years and decades, and the evidence of institutional racism at the heart of the American justice system. The statistics tell only a fraction of the story, but they are a good place to start. In 1970 America imprisoned 300,000 of its citizens. Now it imprisons 2.3 million people. A quarter of a million children have been sent to adult American jails in that time, including 3,000 sentenced to life without parole. One in every three black male babies born today can expect to be incarcerated (for the white population it is one in 15). In some states, including Alabama, a criminal record means disenfranchisement for life.

Given Stevenson’s personal insight into these figures, I’ve been struck, reading the (almost uniformly glowing) American reviews of his book, how the response seems nevertheless to have stopped short of confronting the magnitude of what he writes. The book has been read, it seems to me, as an examination
of certain miscarriages of justice rather than as what he clearly hoped it would be: an indictment of the system as a whole. Was he surprised, I wonder, that – at this particular charged moment – it has not given rise to a wider conversation?

He smiles. “I wrote the book because I am persuaded that if most people in America saw what I see on a regular basis they would not be able to reconcile themselves with these realities,” he says. “But our instinct is to deny. We have the highest rate of incarceration of any country in the world, and yet we don’t feel bad about it. I think we sometimes seem to feel that we give up too much power if we even recognise that we have made, and continue to make, colossal mistakes in this area. The press, to a certain extent, shares that attitude.”

Stevenson, in his affable, reasonable way, uses deliberately charged language in an attempt to shake his nation from that perceived complacency. He talks in particular of the crying need for “truth and reconciliation” in the post-civil rights era, of the kind that followed apartheid in South Africa and genocide in Rwanda – and he weighs his words carefully.

“When people sit around this table,” he says, “I sometimes ask: ‘What if someone came in the room and introduced themselves by saying they were a Holocaust survivor?’ Just those two words would make me stand up and give that person an honoured place at this table. I would be responsive to them, and I would let them talk as much as they wanted about the injury and trauma and hardship they had known. And rightly so. When it comes to the history of slavery and the terror that followed it right up to the 1960s, we have never done that. We do the opposite. You know, even me. I grew up in a segregated community, I couldn’t go to the public schools, beaches, certain parts of town. My grandmother was the daughter of slaves; she grew up in terror of lynchings, joined the great migration to the urban centres of the north to escape. But I never talked about that for the first 30 or more years of my life. It is only the last five, 10 years I have started to.”

In his TED talk Stevenson recalled giving a lecture in Germany about American capital punishment. A man stood up and said, “Well of course, given our history that could never happen here.” What he meant was that the state could never again sanction killing its citizens. Of course such a thing would be “unconscionable”, Stevenson agreed: imagine a world in which modern Germany not only imprisoned a vastly disproportionate number of Jews, but also executed them. And then, he suggested, think of America’s 19th- and 20th-century history. And ask just how conscionable is it to live in a state that locks up a vastly disproportionate number of black men and women, and sentences many of them to death.

It is Stevenson’s belief and contention that unless such deep “psycho-social” history is acknowledged and faced, “there is going to be more police misconduct, there is going to be more overincarceration, there are going to be more wrongful convictions. That, I guess, is really where I am right now.”

He apologises to me for the slight edge of weariness in these words. He is in person and in all his documented dealings determinedly a man of hope, not despair. But he has, he says, not been sleeping very much this week because he has been preparing the plea for the retrial in perhaps the longest-running case on his books. Anthony Ray Hinton was convicted of two murders in Birmingham, Alabama in 1985 after a perfunctory trial. He has been on death row for 28 years. Stevenson has established evidence that Hinton was clocked into work at a warehouse 15 miles away when one of the crimes took place. He was convicted almost entirely on flimsy firearms evidence that has been shown to be nonsense by some of the most respected ballistics experts in the country. “The state, I think, knows there is a massive problem with the case,” he says, “but they continue to fight us. We got the US supreme court to grant relief, and we got the case overturned and now we have a retrial. I had been expecting, given our evidence, that they would just drop the charges and finally let Anthony Ray Hinton go home. But they won’t do that. They won’t do it, I don’t think, not because they believe he is guilty but because it will make them look bad.”
It is such intransigence that he has tried to face down with fact and reason every day since he first came here. He started out with an office in a house behind a tyre factory, and one assistant. He now has an office of 40 – with 20 full-time lawyers, and a number of interns and graduates from the course in justice he teaches at New York university. His work rate is the stuff of legend. He has remained single, he has no children, he relies on contributions and grants to support the work, and makes no charge to the clients he takes on. It’s a different life, he suggests, to the one he imagined when he was at law school. But he doesn’t feel like he has made sacrifices. “Obviously there were ways to have made a lot more money and to have had more leisure,” he says with a laugh. “But I wouldn’t choose that. I feel rich in ways that are unique and that I would never trade for tens of millions of dollars in the bank. I have nephews and nieces who I am very close to. And I have a currency here. I am very plugged in.”

When he first came and started digging in old case files, visiting forgotten men on death row, there were death threats and bomb scares. There is still, clearly, a good deal of hostility to his mission. I wonder if he was ever fearful?

He turns the idea round in his head. “It’s a good question. But I think when you see that the status quo creates pain and anguish and suffering, what I am most afraid of is that things will stay the same. That the people I am trying to represent will suffer more, or be condemned or executed. Fifty years ago the people doing what I do would have said ‘my head is bloody but not bowed’. I don’t have to say that. I don’t think I can afford to be less courageous than they were.”

Stevenson had a direct line to that kind of courage in a friendship he established with Rosa Parks before she died. He used to visit “Ms Parks” when she came to town from her home in Detroit, in the company of her friends Ms Johnnie Carr, the driving force behind the Montgomery bus boycott, and Virginia Durr, wife of Martin Luther King and Rosa Parks’s attorney, Clifford Durr. They would sit in the Durrs’ living room, or on their porch, and Stevenson would do as he was told and just listen to the three women, then in their 80s, “laughing, telling stories and bearing witness about what could be done”. On the first meeting Parks asked him what the EJI did, and he went into a long and tortured explanation about the extent of its aims, taking in the need to confront racial history in its broadest sense and the efforts to confront abuse of power by police and prosecutors wherever it appeared.

When he finished his speech, he recalls in his book that “Ms Parks leaned back, smiling. ‘Ooooh honey, all that’s going to make you tired, tired, tired.’ We all laughed. I looked down, a little embarrassed. Then Ms Carr leaned forward and put her finger in my face and talked to me just like my grandmother used to talk to me. She said ‘That’s why you’ve got to be brave, brave, brave.’”

Speaking now, he recalls how he once took Parks down to Tallahassee for her to receive an honorary degree. “They started this ceremony with We Shall Overcome,” he remembers. “Everyone was seated.
She whispered to me ‘When I hear that song I’m used to standing.’ She stood up and everybody hurriedly stood up too. She had a sweet way of doing things, but forceful, absolutely focused on what had to happen.”

Bryan Stevenson’s TED speech: ‘We need to talk about an injustice’

When he embarks on some of his more arduous battles, Stevenson tries to keep that example with him, along with those of the other powerful women in his life, his grandmother and mother – who, he says, told him not what he should do with his life, but what he shouldn’t. (“Don’t go and work in that poultry plant!” she would say). He has tried to take their spirit of robust, polite intransigence into some of the more heartbreaking situations he has encountered. His book details his efforts, for example, to win some clemency for a young man named Joe Sullivan, convicted in 1989, aged 13, of burglary and rape on testimony given by two older “accomplices”, one with a long criminal record of sexual violence. Sullivan came from a violent and abusive home, and had severe learning difficulties and physical disabilities. Having admitted helping in the burglary, he vehemently denied the rape. He was nevertheless sentenced to life in an adult jail without parole. When Stevenson met him in Santa Rosa jail, Florida in 2007 he was being held in a four-foot square cage in a wheelchair. His jailers had to tip the cage on to its side to get him out. He had prepared some questions for his attorney to answer. Chief among them was this one: “Who is your favourite cartoon character?” Partly on the basis of Sullivan’s case, the EJI has fought to have the “life without parole” sentence for minors rendered unconstitutional. They won that battle in the supreme court in 2012, but Joe and hundreds like him remain in prison.

Recently, some of Stevenson’s battles have been of a different, cultural kind. In Montgomery he has tried for nearly 20 years to have the city make some public acknowledgement, in the form of signposts, of its grim history in the slave trade. The EJI’s research shows that Montgomery was the most active slave trading port in the south from 1850 to the end of the civil war. “On any given day on this street where we sit,” Stevenson says, “you would find hundreds of slaves being paraded for sale in chains. This building was the biggest slave warehouse in Montgomery. It was particularly notorious because in Alabama there was no burden on slave traders to prove that the people they were selling were actually enslaved. So they would kidnap free black people – as in [the film and book] 12 Years a Slave – and bring them to Montgomery to sell.”

Bryan Stevenson (right) with 12 Years a Slave actor Chris Chalk and Black Heritage council chair Frazine Taylor at the 2013 unveiling of a hard-won slave trade historical marker in Montgomery. Photograph: Dave Martin/AP

Though there were 59 public markers and history trails in the city to commemorate the struggles of the confederacy, that other history was entirely invisible to the visitor. The EJI campaigned to put up four small signs documenting the slave past of the city. The Alabama historical association, though accepting their research, refused on the grounds that it was “too controversial”. Stevenson sat down with the mayor and
told him “that every mayor of Montgomery had been on the wrong side of racial history since this was a city. You say no to this and you will be added to the list.”

Finally, in 2013, the city allowed three small bronze markers, not four, and none on Dexter Avenue where the slave market had been. “You think to yourself: ‘why? Why would they say no?’” Stevenson says.

He is planning to replicate the effort in Memphis, New Orleans and other former slave centres. The EJI has also been conducting research into the lynchings that took place here and in neighbouring states. They have documented about 4,000 in the years up to 1960. Stevenson laughs when he hears people say that until this decade America had not known terrorism within its borders. “People here like to pretend the civil war was not about slavery,” he says. “But I believe all the issues around social justice in this country have to start there. You can’t understand what happened to Michael Brown in Ferguson, you can’t understand what happened to Eric Garner in New York City, without understanding this narrative of racial difference that was created during the slave years.

“We were a slave society. We created an ideology about differences between races that made slavery legitimate, that even sought to make it moral. You could be a good Christian and a slave owner because these people were less than human, they were lazy, they weren’t smart, and you were doing something noble to civilise them.

“That narrative was never addressed by the legislation to end forced labour. We focus a lot on the exceptional courage and leadership of Dr King and Rosa Parks in making change happen – that is important – but if we only focus on that we forget how the great mass of white people in this part of America resisted that movement with enormous anger and violence.”

Isn’t he a bit surprised that it has fallen to the EJI to do this kind of work?

“We are a bunch of lawyers with a huge case load,” he says. “I’m not sure why this hasn’t been taken on by anyone else. But I increasingly think this is the necessary step that leads to a degree of humility around these issues.”

That humility, he believes, is the first step on the road to mercy, the quality that he sees as almost entirely absent in the excesses of retributive justice, the quality that makes us human. “We can’t insist on both truth and reconciliation because you cannot reconcile people to something they clearly don’t feel bad about. But we can insist on the truth.”

All the while I am speaking to Stevenson, the noise outside is that of marching bands, whistling Dixie up to the capitol. I wander up there again after I leave him. The governor’s supporters are lined up to enjoy the inauguration in the sun. Over the way, a congregation is filing into Martin Luther King’s church for a service of remembrance, so I follow them in. The service begins with the blind bluesman and civil rights campaigner Bobby Jackson singing What a Wonderful World. The sermon is delivered with authentic evangelical fervour by Dr King’s heir as pastor, the Reverend Cromwell A Handy. He talks in rising cadences of “feeling edgy” about the state of nation 50 years after the Selma march, feeling edgy about “Hands up, Don’t Shoot” in Ferguson, and feeling edgy about “I can’t breathe!” in New York. His theme, the order of service advises, is “hope for unity in a divided world”. That particular prayer, it seems to me, an interloper that morning, sitting at the back, might be best addressed to the offices of the Equal Justice Initiative just down the road.
‘Just Mercy,’ by Bryan Stevenson

By TED CONOVER

Unfairness in the Justice system is a major theme of our age. DNA analysis exposes false convictions, it seems, on a weekly basis. The predominance of racial minorities in jails and prisons suggests systemic bias. Sentencing guidelines born of the war on drugs look increasingly draconian. Studies cast doubt on the accuracy of eyewitness testimony. Even the states that still kill people appear to have forgotten how; lately executions have been botched to horrific effect.

This news reaches citizens in articles and television spots about mistreated individuals. But “Just Mercy,” a memoir, aggregates and personalizes the struggle against injustice in the story of one activist lawyer. Bryan Stevenson grew up poor in Delaware. His great-grandparents had been slaves in Virginia. His grandfather was murdered in a Philadelphia housing project when Stevenson was a teenager. Stevenson attended Eastern College (now Eastern University), a Christian institution outside Philadelphia, and then Harvard Law School. Afterward he began representing poor clients in the South, first in Georgia and then in Alabama, where he was a co-founder of the Equal Justice Initiative.

“Just Mercy” focuses mainly on that work, and those clients. Its narrative backbone is the story of Walter McMillian, whom Stevenson began representing in the late 1980s when he was on death row for killing a young white woman in Monroeville, Ala., the hometown of Harper Lee. Monroeville has long promoted its connection to “To Kill a Mockingbird,” which is about a black man falsely accused of the rape of a white woman. As Stevenson writes, “Sentimentality about Lee’s story grew even as the harder truths of the book took no root.” Walter McMillian had never heard of the book, and had scarcely been in trouble with the law. He had, however, been having an affair with a white woman, and Stevenson makes a persuasive case that it made McMillian, who cut timber for a living, vulnerable to prosecution.

McMillian’s ordeal is a good subject for Stevenson, first of all because it was so outrageous. The reader quickly comes to root for McMillian as authorities gin up a case against him, ignore the many eyewitnesses who were with him at a church fund-raiser at his home when the murder took place, and send him — before trial — to death row in the state pen. When the almost entirely white jury returns a sentence of life in prison, the judge, named Robert E. Lee Key, takes it upon himself to convert it to the death penalty.


Stevenson uses McMillian’s case to illustrate his commitment both to individual defendants — he remained closely in touch until McMillian’s death last year — and to endemic problems in American jurisprudence. The more success Stevenson has fighting his hopeless causes, the more support he attracts. Soon he has...
won a MacArthur “genius” grant, Sweden’s Olof Palme prize and other awards and distinctions, and is attracting enough federal and foundation support to field a whole staff. By the second half of the book, they are taking on mandatory life sentences for children (now abolished) and broader measures to encourage Americans to recognize the legacy of slavery in today’s criminal justice system.

As I read this book I kept thinking of Paul Farmer, the physician who has devoted his life to improving health care for the world’s poor, notably Haitians. The men are roughly contemporaries, both have won MacArthur grants, both have a Christian bent and Harvard connections, Stevenson even quotes Farmer — who, it turns out, sits on the board of the Equal Justice Initiative. Farmer’s commitment to the poor was captured in Tracy Kidder’s “Mountains Beyond Mountains” (and Kidder’s advance praise adorns the back cover of “Just Mercy”).

A difference, and one that worried me at first, is that Farmer was fortunate enough to have Kidder as his Boswell, relieving him of the awkward task of extolling his own good deeds. Stevenson, writing his own book, walks a tricky line when it comes to showing how good can triumph in the world, without making himself look solely responsible.

Luckily, you don’t have to read too long to start cheering for this man. Against tremendous odds, Stevenson has worked to free scores of people from wrongful or excessive punishment, arguing five times before the Supreme Court. And, as it happens, the book extols not his nobility but that of the cause, and reads like a call to action for all that remains to be done.

“Just Mercy” has its quirks, though. Many stories it recounts are more than 30 years old but are retold as though they happened yesterday. Dialogue is reconstituted; scenes are conjured from memory; characters’ thoughts are channeled à la true crime writers: McMillian, being driven back to death row, “was feeling something that could only be described as rage . . . ‘Loose these chains. Loose these chains.’ He couldn’t remember when he’d last lost control, but he felt himself falling apart.” Stevenson leaves out identifying years, perhaps to avoid the impression that some of this happened long ago. He also has the defense lawyer’s reflex of refusing to acknowledge his clients’ darker motives. A teenager convicted of a double murder by arson is relieved of agency; a man who placed a bomb on his estranged girlfriend’s porch, inadvertently killing her niece, “had a big heart.”

For a memoir, “Just Mercy” also contains little that is intimate. Who has this man cared deeply about, apart from his mother and his clients among the dispossessed? It’s hard to say. Almost everything we learn about his personal life seems to illustrate the larger struggle for social justice. (An exception: a scene where he is sitting in his car, spending a few minutes alone listening to Sly and the Family Stone on the radio. “In just over three years of law practice I had become one of those people for whom such small events could make a big difference in my joy quotient.”)

But there’s plenty about his worldview. As Stevenson says in a TED talk, “We will ultimately not be judged by our technology, we won’t be judged by our design, we won’t be judged by our intellect and reason. Ultimately, you judge the character of a society . . . by how they treat the poor, the condemned, the incarcerated.” This way of thinking is in line with other pronouncements he makes throughout: “The opposite of poverty is not wealth; the opposite of poverty is justice.” They are like phrases from sermons, exhortations to righteous action. “The real question of capital punishment in this country is, Do we deserve to kill?”

The message of this book, hammered home by dramatic examples of one man’s refusal to sit quietly and countenance horror, is that evil can be overcome, a difference can be made. “Just Mercy” will make you upset and it will make you hopeful. The day I finished it, I happened to read in a newspaper that one in 10 people exonerated of crimes in recent years had pleaded guilty at trial. The justice system had them over a log, and coping a plea had been their only hope. Bryan Stevenson has been angry about this for years,
and we are all the better for it.