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Freshman Year Reading/ Common Reading Guide

Just Mercy

A Story of Justice and Redemption

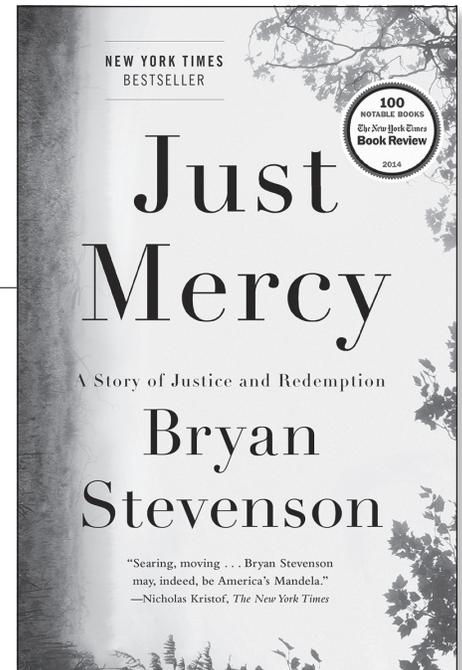
By Bryan Stevenson

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"A searing, moving and infuriating memoir . . . Bryan Stevenson may, indeed, be America's Mandela. For decades he has fought judges, prosecutors and police on behalf of those who are impoverished, black or both. . . . Injustice is easy not to notice when it affects people different from ourselves; that helps explain the obliviousness of our own generation to inequity today. We need to wake up. And that is why we need a Mandela in this country."

—Nicholas Kristof, *The New York Times*

"From the frontlines of social justice comes one of the most urgent voices of our era. Bryan Stevenson is a real-life, modern-day Atticus Finch who, through his work in redeeming innocent people condemned to death, has sought to redeem the country itself. This is a book of great power and courage. It is inspiring and suspenseful—a revelation."

—Isabel Wilkerson, author of *The Warmth of Other Suns*

• about the author •

BRYAN STEVENSON is the executive director of the Equal Justice Initiative in Montgomery, Alabama, and a professor of law at New York University School of Law. He has won relief for dozens of condemned prisoners, argued five times before the Supreme Court, and won national acclaim for his work challenging bias against the poor and people of color. He has received numerous awards, including the MacArthur Foundation "genius grant."

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• 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?

• about the guide writer

RACHAEL HUDAK holds a B.A. in English Language and Literature from the University of Michigan. She is a project manager for anti-death penalty advocate Sister Helen Prejean and the national coordinator of the Dead Man Walking School Theatre Project. She has led creative arts workshops in prisons and juvenile facilities in Michigan and Illinois and has worked on anti-violence initiatives in Chicago, where she is currently based.