



ACT JUSTLY,
LOVE MERCY.



A Just Mercy Book Study for Community Members



The 2023 Scoper Lecture
in Christian Thought

SETTING THE STAGE

"Just Mercy" tells the story of how Bryan Stevenson, founder of the Equal Justice Initiative (EJI) grew his career—and passion—for defending condemned prisoners on Alabama's death row. In this study, we explore Mr. Stevenson's story, a few of his clients' journeys, and his ultimate message of love through justice. This study is designed for five gatherings and is created to be a starting point for rich group conversation in anticipation of Mr. Stevenson's visit to University of Virginia (UVA) on March 28, 2023.

Mr. Stevenson's visit comes at an important time in the life of the UVA and Charlottesville. To the dismay of many, Charlottesville is known for its racially charged national news moments. Most notably, the Unite the Right rally from August 11-12, 2017, which gathered white supremacists from across the country to oppose the removal of the statue of General Robert E. Lee from Charlottesville's former Lee Park. This moment espoused hate against Black communities and Jewish people in Charlottesville and beyond, as this group terrorized both Charlottesville and the University, marching on the Downtown Mall and the Lawn. More recently, an unknown person placed a noose—a symbol of violence against Black people harkening back to the lynching era—on the Homer statue at the end of the Lawn on September 7, 2022. Charlottesville and the UVA community have been forced to question its toleration of, response to, and efforts to eradicate the attitudes that led to these painful events.

One of Mr. Stevenson's great efforts is to highlight how acts of remembering and of honest conversation about our nation's history of racial inequality can mend bigotry and its residual effects. Charlottesville has begun this work. In 2019, as part of the community's multi-year engagement with EJI's Community Remembrance Project, community members and officials unveiled a historical marker recognizing lynching in front of the Albemarle County Courthouse. Further, dozens of residents gathered soil from local lynching

sites into jars and travelled to EJI's National Memorial for Peace and Justice in Montgomery, Alabama to place the jars among other lynching sites' soil. But still, there is more work to do.

As you read "Just Mercy" and discuss it with others, take the time and space to welcome your feelings of awe and anguish. This is a difficult story with numerous moments of injustice. But there is also ample hope to grasp onto as Stevenson's work grows. You are entering into complex topics. Recognize that each of you brings a unique perspective and experience; whenever your discussions become painful, remain committed to kindness and respect for one another.

SESSION ONE

Read the Introduction, Chapters 1-3, and Slate's article (<https://slate.com/news-and-politics/2017/06/how-charlottesvilles-confederate-statues-helped-decimate-the-citys-historically-successful-black-communities.html>)

Opening Questions: Take some time to introduce yourself to each other and say where you are from, whether you were familiar with Bryan Stevenson or EJI before this study, why you decided to participate in a group discussion on the book, and what "just mercy" means to you.

Overview: The **introduction** of "Just Mercy" describes mass incarceration in the United States, noting that from the 1970s to 2014, the prison population increased from 300,000 to 2,300,000. This is the highest incarceration rate in the world, and has impacted all walks of life, from men and women to even children. Race plays a significant role in incarceration, with one in every three Black men expected to be imprisoned at some point in their lives. In the **first chapter** we meet one of the men whose story will anchor this book: Walter McMillan. With no credible evidence against him, Walter is accused of murdering Ronda Morrison in Monroe County, Alabama. Grounding this suspicion is Walter's intimate involvement with a White woman, an unthinkable combination in the 1970s American south. In **chapter two**, Stevenson delves into racialized policing and disproportionate danger Black men face. He even describes his own terrifying encounter with police while sitting in his car outside of his home. **Chapter three** digs further into Walter's case, from his arrest to the lead up to his trial, the trial itself, and ultimately his guilty verdict. The police and prosecutorial tactics in this chapter seem questionable as they build their case against Walter.

Focus: Charlottesville, like many other American towns, is burdened by the impact of historic racism or mass incarceration. Take, for example, the long battle over the confederate statues downtown. While there's a popular misconception that the statues are a part of Civil War history, they were not placed at the conclusion of the war, but over fifty years later in the early 20th century to intimidate thriving Black communities in the Vinegar Hill neighborhood.

With this in mind, consider the following discussion prompts. Choose the questions that pique your curiosity or spark conversation. There is no need to answer every question.

Questions

- Read and reflect as a group on Stevenson ending to the book's introduction on page 18: "[w]e are all implicated when we allow other people to be mistreated. An absence of compassion can corrupt the decency of a community, a state, a nation. Fear and anger can make us vindictive and abusive, unjust and unfair, until we suffer from the absence of mercy and we condemn ourselves as much as we victimize others. The closer we get to mass incarceration and extreme levels of punishment, the more I believe it's necessary to recognize that we all need mercy, we all need justice, and—perhaps—we all need some measure of unmerited grace." Can you tell a story of time when you received unmerited grace? Can you think of a time when you saw fear and anger play out in a community?
- What do you make of the rapid increase of incarceration in the United States? Can you imagine—or have you heard of any—alternative methods towards rehabilitation for non-violent offenders?
- Who is your District or Commonwealth's Attorney? How might you learn more about this person's stance on jail time for non-violent offenses?
- Consider Stevenson's violent encounter with the police, and then think of your own growing up. What were you told about law enforcement and how to act during encounters with police? What does Stevenson's story help you better understand about what Black men and women might experience? How does this make you feel? How would you suggest law enforcement improve relations between police and the public?
- What are the miscarriages of justice that occur in Walter's story so far? These are numerous, so take the time to name them and discuss how they came to be. Now think about our own community. Could this happen here? Why or why not? What might need to change to protect innocent people like Walter?
- Stevenson focuses on the presumption of guilt that poor people and people of color face in the criminal justice system. What is one small action you could undertake to help alleviate this burden in your community?

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SESSION TWO

Read Chapters 4-7, EJI's resource on the death penalty, (<https://eji.org/issues/death-penalty/>), and Cville's article (<https://www.c-ville.com/race-based-bias-consultants-demonstrate-racist-policing/>)

Overview: In **chapter four**, Stevenson opens EJI with his colleague, Eva Ansley, before we encounter the first execution of the book. Herbert Richardson, a Vietnam war veteran whose background likely affected his mental and emotional health, is put to death with Stevenson present. In **chapter five**, Walter strengthens his case for innocence. First, Stevenson spends hours with Walter's family discussing the fact that Walter was with them at the exact time of the murder he was found guilty of committing. They are bewildered, but hopeful that Stevenson can help. And second, Darnell Houston contacts Stevenson to tell him that one of the state's eyewitnesses lied under oath. Darnell knows this because he works with the witness and knows he could not have seen what he testified to. Even with this information, the new Monroeville District Attorney informs Stevenson that the Alabama Court of Criminal Appeals denied their request for a retrial. In chapter six, Stevenson details the heartbreaking reality of children in prison, focusing on Charlie—a 14-year-old boy facing capital murder charges after he shot and killed his mother's abusive boyfriend. And in **chapter seven**, Stevenson and his team work tirelessly on Walter's case. They receive a setback when the Court denies their appeal of Walter's conviction, but they make numerous important discoveries to challenge the Court of Appeals' denial. Most importantly, Ralph Morrison, the foundational witness for the prosecution, confesses that he fabricated the testimony that put Walter on death row.

Focus: While the death penalty was outlawed by Virginia in 2021, all other southern states still use capital punishment. But given the notable pitfalls of the criminal justice system, capital punishment is arguably an unreasonable and unnecessary form of punishment. Take, for example, the flaws of the Charlottesville and Albemarle police forces that were found to disproportionately arrest Black people, and that race-based disparities exist in the treatment of individuals in otherwise similar situations.

With this in mind, consider the following discussion prompts. Choose the questions that pique your curiosity or spark conversation. There is no need to answer every question.

Questions

- Think about execution and the death penalty. How have you heard people talk about this issue? What arguments have they used to defend the death penalty? To oppose it? What emotions come along with these debates? What do you make of Stevenson's logic that we don't sanction rapists to be raped, so why would we kill someone who kills?
- While Stevenson is meeting Walter's family, do you think he is confident Walter will be freed? If you were in Stevenson's shoes, how would you handle this situation?



- Stevenson cites studies that revealed offenders in Georgia were eleven times more likely to get the death penalty if the victim was White than if the victim was Black. And in Alabama, even though 65 percent of all homicide victims were Black, nearly 80 percent of the people on death row were there for crimes against victims who were White. Black defendant and White victim pairings increased the likelihood of a death sentence even more. What do you make of the fact that race plays a role in sentencing? Does this data influence your feelings on the death penalty?
 - Even though Virginia outlawed the death penalty, what do you make of the conclusion of the Cville article that Charlottesville and Albemarle disproportionately arrest Black people, and that race-based disparities exist in the treatment of individuals in otherwise similar situations?
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SESSION THREE

Read Chapters 8-10

Overview: In **chapter eight** we meet Trina, Ian, and Antonio, who are all serving death-in-prison sentences for crimes they were found guilty of committing as children. This chapter makes the case that many Black and Brown children develop criminal records for behavior that more affluent children engage in with impunity. In **chapter nine**, the highly anticipated Rule 32 hearing takes place. Stevenson believes the hearing is going well, but they run into problems when Walter's supporters are denied entry to the courtroom after the first day. At the end of Walter's case, the state offers no rebuttal, and everyone anxiously awaits the judge's ruling. In **chapter 10**, Stevenson recounts the plight of the mentally ill who are imprisoned, noting that more than 50 percent of prison and jail inmates in the United States have a diagnosed mental illness, a rate nearly five times greater than that of the general adult population. To illustrate this point, Stevenson recounts his friendship with Avery Jenkins, a severely mentally ill inmate with a traumatizing upbringing.

Focus: Children and the mentally impaired are some of the most vulnerable people in our societies. Take a moment to read aloud Ian Manuel's poem written from Union Correctional Center on pages 147-148.

With this in mind, consider the following discussion prompts. Choose the questions that pique your curiosity or spark conversation. There is no need to answer every question.

Questions

- Describe Trina, Ian, and Antonino's backgrounds. What was their pain? Do you think these should have been considered in their sentencing? What impact might such considerations have made?
- Discuss Ian's photoshoot and his letters to Stevenson afterwards. How did this make you feel? Do you think it is important to show what life is like for someone who was condemned to life in prison as a child?
- Consider Stevenson's encounter with the unfriendly prison guard. What do you think was motivating this behavior? What changed the guard's demeanor to lead him to buy Avery a milkshake? What are your thoughts about this show of empathy?
- What do you make of the mental health crisis occurring in U.S. prisons? If you had all the resources in the world, what are a few measures you would propose to address this issue on the front end (sentencing) and on the backend (once someone is imprisoned)?
- Think back to chapter six when Mr. and Mrs. Jennings stepped in to help Charlie. How do you make sense of their story and kindness? Can you think of other ways to help children who have entered the criminal justice system? Are you aware of any efforts in your own community to address the needs of children in the criminal justice system? If you wanted to know more, where would you begin?

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SESSION FOUR

Read Chapters 11-13 and this article on compensating those who were wrongly imprisoned (<https://www.wtkr.com/investigations/virginias-compensation-for-the-wrongfully-incarcerated-falls-behind-national-average>)

Overview: **Chapter 11** begins with the disappointing news when the court rules against Walter in his Rule 32 hearing. But Stevenson and his team press on and file another appeal based on newly discovered evidence. Media scrutiny causes the District Attorney to allow Walter's case to be reinvestigated, which reveals overwhelming evidence of his innocence. The state ultimately joins Walter's petition to drop all charges, the court rules in his favor, and Walter is free. **Chapter 12** delves into the tragic reality of growing female imprisonment. Through the lens of Marsha Colby's story—a woman accused of homicide when she gave birth to a stillborn baby—Stevenson explores the various legislative efforts that have allowed poor women to be incarcerated at alarming rates for non-violent, low-level crimes. Stevenson hypothesizes that this reality, and the exclusion of formerly incarcerated people from receiving public benefits, has led to the cycles of poverty seen in these communities. Finally, **Chapter 13** begins to highlight the difficulties Walter will face because of his wrongful conviction and time on death row, the first of which is receiving funds to compensate him for the state's mistakes.



Focus: In chapter 11, Stevenson writes on page 219 that he'd "grown fond of quoting Václav Havel, the great Czech leader who had said that 'hope' was the one thing that people struggling in Eastern Europe needed during the era of Soviet domination. Havel had said that people struggling for independence wanted money and recognition from other countries; they wanted more criticism of the Soviet empire from the West and more diplomatic pressure. But Havel had said that these were things they wanted; the only thing they needed was hope. Not that pie in the sky stuff, not a preference for optimism over pessimism, but rather 'an orientation of the spirit.' The kind of hope that creates a willingness to position oneself in a hopeless place and be a witness, that allows one to believe in a better future, even in the face of abusive power. That kind of hope makes one strong." Consider everything you have learned from "Just Mercy" so far, and how you feel about the future of the criminal justice system in America. Take a few moments for silent reflection before your discussion begins. Where do you see reasons to hope? Where do you feel barriers to hope? What do you think are the sources of Bryan Stevenson's hope?

With this in mind, consider the following discussion prompts. Choose the questions that pique your curiosity or spark conversation. There is no need to answer every question.

Questions

- What were your reactions to the state joining Walter's petition and the court ruling in his favor? Did it give you hope in the state of Monroeville's criminal justice system?
- Walter was freed from death row, but his wrongful conviction and incarceration took a toll on his family. Why do you think Walter's wife was feeling apprehensive about Walter returning home? Do you relate to her reaction?
- Who is most guilty of wrongdoing in Marsha's case? How do you imagine the outcome might have been different if Marsha was wealthy? What if it was the father of the baby who had been accused?
- Take some time to reflect on the conditions of the women's prison. What did reading about these conditions draw out in you? Did EJI's victories give you hope that conditions can change? If you wanted to learn more about conditions in your own local prison, where would you turn for information?
- Virginia is behind the national average in awarding compensation for those wrongfully incarcerated. Should the wrongfully imprisoned be able to seek funds to compensate them for their time served? Why or why not? If you had the power to make these determinations, what factors would you consider? How would you make your decisions?
- Given prosecutorial immunity and the 1994 conservative majority in Congress, federal funding to capital resource centers has been reduced. Has this made the justice system more or less equitable? Going forward, what changes would you like to see? What one small action might you take to promote those changes?
- What shifts in the justice system would give you a greater sense of hope?

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SESSION FIVE

Read Chapters 14-16 and the Epilogue

Overview: **Chapter 14** comes back to the issue of child imprisonment. Here, Stevenson tells the story of Joe Sullivan, a thirteen-year-old boy with mental disabilities who is sentenced to life in prison with no chance of parole for a crime he claims to have not committed. He suffers horrific treatment in prison and develops illnesses, all while being developmentally impaired. Stevenson appeals Joe's sentence on the theory that his sentence violated the Eighth Amendment, and the U.S. Supreme Court agrees to hear the case. In **chapter 15**, Walter's health begins to decline and EJI's work grows more expansive. And while the national average of execution per year is declining, Alabama still has the nation's highest execution rate per capita. **Chapter 16** brings good news: EJI wins Joe Sullivan's case at the Supreme Court, announcing that sentences of life imprisonment without parole imposed on children convicted of non-homicide crimes is cruel and unusual punishment, and therefore unconstitutional. And two years later, EJI won the same outcome for children convicted of homicide. In the epilogue, Walter passes away. At his funeral, Stevenson said that Walter taught him that mercy is just when it is freely given and rooted in hope, and that it's most impactful when directed at the undeserving.

Focus: Stevenson writes on page 289 that “[w]e are bodies of broken bones. I guess I’d always known but never fully considered that being broken is what makes us human. We all have our reasons. Sometimes we’re fractured by the choices we make; sometimes we’re shattered by things we would never have chosen. But our brokenness is also the source of our common humanity, the basis for our shared search for comfort, meaning, and healing. Our shared vulnerability and imperfection nurtures and sustains our capacity for compassion.” Take a moment in silent reflection to dwell on the shared brokenness we all have, and that a person is more than the worst thing they have done.

With this in mind, consider the following discussion prompts. Choose the questions that pique your curiosity or spark conversation. There is no need to answer every question.

Questions

- Think about your childhood, your friends, and family members. Can you think of a childhood story when you or someone you know did something that, given different circumstances, could have led to criminal charges? What arguments can be made for and against charging a child as an adult? How has Bryan Stevenson's stories impacted the way you think about this issue?
- Describe your feelings when listening to the poem Joe wrote for Stevenson. What does this moment say about people who are incarcerated beginning in their childhood? If you had the power to change the narrative, what might you have done to change the conditions of Joe's incarceration? What might have been done to protect him?
- Stevenson writes that if we acknowledged our brokenness, we could no longer take pride in mass incarceration, executing people, and our indifference to the most vulnerable. He considers the people that push against this indifference to be “stone catchers.” What does it mean to be a stone catcher? Do you know anyone you would consider a stone catcher?
- Where have you seen your community and/or social circles approach the topics of inherent societal inequalities? Can you tell a story about that experience? Are there opportunities to be stone catchers in your community, family or friend group?
- Charlottesville has a Police Civilian Oversight Board that seeks to enhance police transparency, promote fair and effective policing, and to protect the civil and constitutional rights of Charlottesville residents. In what ways can this be an effective means of oversight? What are barriers to effectiveness? What else would you do to ensure best practices by police?
- At the end of the day, do you think Walter obtained justice?
- Think about Bryan Stevenson’s belief that “each of us is more than the worst thing we’ve ever done.” If you truly believed that, how might your own life change? If our society lived by that, how would our own community change?

- What were your main takeaways from "Just Mercy"? Has it changed the way you see the criminal justice system? Your community? Yourself?
 - What is one hope that Bryan Stevenson has sparked within you? What action might you take to make it a reality?
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ABOUT THEOLOGICAL HORIZONS

Theological Horizons is a 501(c)(3) organization based in Charlottesville, VA. Established in 1990 by Karen and Charles Marsh, Theological Horizons cultivates an inviting forum for students, scholars and community members at the intersection of faith, thought, and life. All are welcome. Always.