

# Teacher's Guide

# Just Mercy

A Story of Justice and Redemption

Bryan  
Stevenson



Study Guide Prepared by Melissanne Scheld September 2014

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## A NOTE TO EDUCATORS

The following guide has been prepared in conjunction with the national Common Core Standards. Each chapter contains summary points, discussion questions for the class and activities requiring various skills and interpretation of the text. The following list of Standards correlates to the discussion questions as a whole whereas, for each of the activities, the relevant and specific Standards are indicated for each of the exercises.

**English Language Arts: College and Career Readiness Anchor Standards for Reading:** Key Ideas & Details: CCRA.R.1-R.3, Integrations of Knowledge and Ideas: CCRA.R.7, CCRA.R.8, Range of Reading and Level of Text Complexity: CCRA.R.10

**English Language Arts: College and Career Readiness Anchor Standards for Writing:** Text Types and Purposes: CCRA.W.1-CCRA.W.3, Production and Distribution of Writing: CCRA.W.4, Research to Build and Present Knowledge: CCRA.W.7-CCRA.W.9, Range of Writing: CCRA.W.10

**English Language Arts: College and Career Readiness Anchor Standards for Speaking and Listening:** Comprehension and Collaboration: CCRA.SL.1-CCRA.SL.3, Presentation of Knowledge and Ideas: CCRA.L.4

**English Language Arts: College and Career Readiness Anchor Standards for Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6, Vocabulary Acquisition and Use: CCRA.L.6

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11-12.1, RL.11-12.2, Integration of Knowledge and Ideas: RL.11-12.7

**English Language Arts: Reading: Informational Text:** Key Ideas and Details: RI.11-12.1-12.3, Integration of Knowledge and Ideas: RI.11-12.7-12.8, Range of Reading and Level of Text Complexity: RI.11-12.10

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4, Research to Build and Present Knowledge: W.11-12.7-12.9, W.11-12.9.B

**English Language Arts: Speaking and Listening:** Comprehension and Collaboration: SL.11-12.1-SL.11-12.3, Presentation of Knowledge and Ideas: SL.11-12.4, 12.6

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11-12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

## PRE-READING ASSIGNMENT

Prepare a two-page essay for a law school application explaining the reasons why you want to work with disadvantaged clients.

### INTRODUCTION: HIGHER GROUND

- In 1983—twenty-three years old and still in law school—Bryan Stevenson meets his first death row client.
- From the 1970s to 2014, the U.S. prison population has increased from 300,000 to 2,300,000; the highest incarceration rate in the world.
- One in every fifteen babies born in 2001 is predicted to spend time in jail. One in three black males born in this century is predicted to be incarcerated.
- The United States has sent a quarter of a million children to adult prisons and jails, some are under the age of twelve.
- The number of women in prison has increased 640 percent in the last thirty years.
- Spending on jails and prisons by state and federal governments has risen from \$6.9 billion in 1980 to nearly \$80 billion in 2014.
- Private prison builders and prison service companies have spent millions of dollars to persuade state and local governments to create new crimes, impose harsher sentences, and keep more people locked up so that they can earn more profits.
- Through his work with the poor and the incarcerated, Stevenson concludes that the opposite of poverty is not wealth; the opposite of poverty is justice.

# Mockingbird Players

## SUMMARY

- Stevenson is a member of the bar in both Georgia and Alabama.
- Despite receiving a warning phone call from the local Judge Robert E. Lee Key about Walter McMillian's case, Stevenson continues on.
- In Monroe County, Alabama, a beloved eighteen-year-old white woman named Ronda Morrison is brutally murdered with very little evidence pointing toward a perpetrator. The police are under tremendous pressure to solve this mystery.
- Seemingly unrelated to Morrison's murder, a poor woman named Vickie Lynn Pittman is also murdered. Karen Kelly, who was white, a drug user and a criminal, is accused of the murder along with an accomplice, Ralph Myers.
- During an earlier child custody battle between Kelly and her husband, McMillian had previously testified to having a relationship with Kelly. McMillian quickly loses public respect and his business loses many customers, particularly whites.
- The accomplice, Myers, is not a particularly trustworthy person, and as a way to lessen his sentence for the Pittman murder, he claims to have witnessed Walter McMillian at the scene of the Morrison crime.
- There was no evidence against McMillian—no evidence except that he was an African American man involved in an adulterous interracial affair, which meant he was reckless and possibly dangerous, even if he had no prior criminal history and a good reputation.

## DISCUSSION QUESTIONS

1. How did Stevenson's background prepare him for law school?
2. In the introduction, he discusses his grandmother's background and what impact that had on his career choices. What from your own personal background has influenced your career choices?
3. What famous novel was written in Monroe County, AL, and how is it relevant to *Just Mercy*?
4. In what ways did the Alabama government contribute to the economic difficulties of the state's African American population?
5. Why was Ralph Myers considered to be so trustworthy by the Monroe County police department?

## ACTIVITY

1. Research incarceration rates for other wealthy nations; prepare a document that compares how long convicts serve for various crimes.
2. Research *Loving v. Virginia*. What surprises you about this case? Do you think these issues are still relevant in our current times?

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4, Research to Build and Present Knowledge: CCRA.W.7-W.9

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11-12.1, RL.11-12.2

**English Language Arts: Reading: Informational Text:** Key Ideas and Details: RI.11-12.1-12.3, Integration of Knowledge and Ideas: RI.11-12.8-12.9, Range of Reading and Level of Text Complexity: RI.11-12.10

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4, Research to Build and Present Knowledge: W.11-12.7-12.9, W.11-12.9.B

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

# Stand

## SUMMARY

- Stevenson describes two cases in Gadsden, Alabama, where black men died at the hands of the police. Lourida Ruffin, thirty-nine, claimed that police had beaten him after he committed a minor traffic violation and then refused to give him access to his asthma inhaler. He later died in his holding cell. Other prisoners witnessed the attack.
- While working on the Ruffin case, Stevenson learns of the death of a young black teenager who was pulled over by the Gadsden police. Upon reaching for his new license, the teenager was shot and killed by the officer, who claimed that the deceased had been acting erratically. His parents described their son as nervous but also law-abiding and respectful. No evidence of a gun or other wrongdoing was discovered.
- Stevenson himself has a terrifying encounter with the Atlanta police while sitting in front of his apartment (in a poor neighborhood), listening to music late at night. Several police surround him, one pointing a gun. While he is ultimately released without further incident, he is embarrassed, frightened, and angry that the police violated numerous laws while searching his car. He files a complaint which is largely ignored.
- Rather than waging a war with the bureaucracy of the Atlanta police force, Stevenson decides to work directly with those at the greatest risk—poor and young black men—by speaking directly to them at youth groups, churches, and community organizations.

## DISCUSSION QUESTIONS

1. Does your state have Stand Your Ground laws? Do you support them?
2. Stevenson wished he had been more assertive with the police while they were illegally searching his car. Do you think that would have been effective? How would you recommend someone respond in a similar situation?
3. Do you think the police officers acted appropriately? How else might they have approached the situation?
4. Likewise, did their supervisors respond fairly to Stevenson's official complaint?
5. How did the senior citizen attending Stevenson's church lecture earn his "medals of honor"?

## XACTIVITY

Research Stand Your Ground laws in the United States; based on your information determine if they are an effective means of reducing crime.

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4, Research to Build and Present Knowledge: CCRA.W.7-W.9

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11-12.1, RL.11-12.2

**English Language Arts: Reading: Informational Text:** Key Ideas and Details: RI.11-12.1-12.3, Range of Reading and Level of Text Complexity: RI.11-12.10

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4, Research to Build and Present Knowledge: W.11-12.7-12.9

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

# Trials and Tribulations

## SUMMARY

- This chapter recounts Walter McMillian's arrest, the days leading up to his trial, the trial itself, and the verdict.
- Walter is arrested, but not for the murder of Ronda Morrison, because the district attorney's office had not yet done enough research on McMillian. But they are under pressure to make an arrest. Based on the dubious evidence provided by Ralph Myers, they put Walter in prison and continue to build their case.
- Walter McMillian is placed on death row before his case even goes to trial; this is illegal. While there, he meets many other convicts awaiting their fate.
- The trial is moved from a community with a large black population to a more affluent county with a much higher white population, therefore decreasing the potential of black jurors who may be more sympathetic to Walter.
- His family raises enough funds to hire a legal team with experience in civil rights, but not being from the local area proved to be a hindrance for Walter's defense team.
- There is significant evidence to defend Walter, including multiple witnesses placing him at a family fish fry during the time of the murder.
- During the trial, nothing goes in Walter's favor, and even though he's innocent, after less than three hours of deliberation by the jury, Walter McMillian is found guilty of murdering Ronda Morrison and sentenced to death.

## DISCUSSION QUESTIONS

1. What is the importance of the 1986 *Batson v. Kentucky* ruling?
2. If you were in Chestnut or Boynton's position, would you have tried to move the trial?
3. Who were some of Walter McMillian's most important allies?
4. In your opinion, who is most to blame for Walter's conviction?
5. Walter was both poor and black. Do you think his story would have played out the same if he had been a wealthy black man? What if he had been poor and white? What examples of similar trials can you use to support your thinking?



## ACTIVITY

Divide the class in half, one side acting as the defense and one side being the prosecution. Draw up a list of the questions each side might use during jury selection to create the most sympathetic jury for their side's point of view. What are some of the characteristics each legal team would be looking for in a potential juror? Are there any similarities?

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Speaking and Listening:** Comprehension and Collaboration: CCRA.SL.1-SL.3, Presentation of Knowledge and Ideas: CCRA.SL.4

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4, Research to Build and Present Knowledge: CCRA.W.7-W.9

**English Language Arts: Speaking and Listening:** Comprehension and Collaboration: SL.11-12.1-SL.11-12.3, Presentation of Knowledge and Ideas: SL.11-12.4, 12.6

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

# The Old Rugged Cross

## SUMMARY

- In February 1989, Eva Ansley and Stevenson opened a new nonprofit law center in Tuscaloosa, dedicated to providing free, quality legal services to condemned men and women on death row in Alabama.
- In this heartfelt chapter, Stevenson shares the details of the execution of a former Vietnam War veteran, Herbert Duncan. Stevenson reveals details of Duncan’s earlier life that may have played a role in the development of his mental health.
- “The Old Rugged Cross” recounts the final hours before Duncan’s execution including painful good-byes between Duncan and his family and some of Duncan’s final thoughts. Stevenson also reflects on employees in the penal system that are paid to carry out death sentences.
- This chapter underscores the difficulties many U.S. military veterans face in obtaining medical support.
- By the mid-1980s, nearly 20 percent of the United States jail and prison population had served in the military. While the rate declined in the 1990s as the shadows cast by the Vietnam War began to recede, it started to rise again as a result of the military conflicts in the Middle East.

## DISCUSSION QUESTIONS

1. Describe the 1989 Supreme Court ruling related to death penalty appeals. What impact did that have across the country?
2. When do judge overrides increase and for what reason?
3. Define the 2002 Supreme Court case of *Atkins v. Virginia*.
4. Alabama’s capital statute requires that murder be intentional in order for a defendant to be eligible for the death penalty. Why is this relevant in Duncan’s case?
5. Duncan was a U.S. war veteran who suffered tremendous mental trauma while serving our nation. How should that be factored into his defense?
6. What is “untimely” evidence? Was this a fair ruling, in your opinion, in Stevenson’s appeals filing?
7. Duncan remarks on the frequent offers of help from the prison staff during his final day. What do you make of this level of generosity?

8. At this point in *Just Mercy*, Stevenson’s legal defense center is seriously underfunded while also highly in demand. Not many people would have the stamina to continue facing the major challenges he is facing. What impact does Duncan’s execution have on him? How would you feel in his position?

## ACTIVITY

There are many films about men on death row (e.g. *The Green Mile*, *Dead Man Walking*, *True Crime*). Choose one to watch and write a two-page analysis on whether or not the judicial system portrayed in the movie was fair and also if it was a reasonable representation of actual laws.

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4, Research to Build and Present Knowledge: CCRA.W.7-W.9

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

# Of the Coming of John

## SUMMARY

- Stevenson visits the home of Walter McMillian and meets his extended family. They hold him in very high regard and have pinned their hopes on Stevenson being able to help exonerate Walter.
- The family is in disbelief that Walter has been found guilty since he was with them at the exact time of Ronda Morrison's murder.
- Darnell Houston, a black auto parts store clerk, contacts Stevenson to confirm that one of the eyewitnesses for Walter's case lied under oath. His sworn affidavit, which should help free Walter, only creates a legal situation for himself.
- Stevenson then meets with the new district attorney of Monroe County after filing a motion with the Alabama Court of Criminal Appeals for a retrial. The DA informs him that the court has denied the request despite Houston's new testimony.

## DISCUSSION QUESTIONS

1. What is the origin of this chapter's name?
2. While Stevenson is meeting Walter's family, do you think he is confident Walter will be free? How would you handle that situation?
3. How is the relationship between Stevenson and Walter changing? What does the author cite as an important activity for lawyers to do when defending death row prisoners? Why?
4. Why does it annoy Stevenson that *To Kill a Mockingbird* is a point of pride in Monroeville?
5. How would you characterize Stevenson's mood at the end of this chapter?
6. Based only on what you know up to this point, are you hopeful for Walter's release?

## ACTIVITY

Listen to Stevenson's 2013 TED Talk and write a response to the topics he covers. Does hearing his voice change how you read his book?

## CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4, Research to Build and Present Knowledge: CCRA.W.7

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

# Surely Doomed

## SUMMARY

- Bryan Stevenson is contacted by the grandmother of a fourteen-year-old boy named Charlie who is being held in an Alabama jail facing capital murder charges.
- The Supreme Court upheld the death penalty for juveniles in a 1989 ruling; a year earlier the Court barred the death penalty for children under the age of fifteen.
- Stevenson hears the horrific details of Charlie's case: Charlie's mother was beaten unconscious by her drunken boyfriend who Charlie then shot. The live-in boyfriend, who frequently beat the mother, was often drunk, and was an intimidating presence to the young boy.
- When Stevenson visits with Charlie in jail (not a juvenile detention center), he has a difficult time communicating, but over time they speak and Charlie reports being abused by other inmates. He is scared, scarred, and alone. Stevenson succeeds in having Charlie relocated.
- Months later, Stevenson mentions Charlie during a talk he is giving to a church group on incarcerated children. Charlie's story is so moving to an elderly couple, Mr. and Mrs. Jennings, that they begin writing letters to Charlie while he is held in the detention center.
- Over time they form a very close and important bond with Charlie, encouraging him to earn his equivalency degree, and later financing his college education.

## DISCUSSION QUESTIONS

1. In what ways has the judicial system failed to protect Charlie?
2. What special circumstances of the murder victim lead to greater struggles for Charlie? Does this seem fair?
3. How does Stevenson finally convince Charlie to speak with him?
4. What is your opinion of Mr. and Mrs. Jennings?

## ACTIVITY

Research and write a two-page paper on children and incarceration in your state. How are “minor” and “adult” defined? Are there extenuating circumstances to crimes that change these definitions? Cite actual cases from your state where these laws were tested.

## CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4, Research to Build and Present Knowledge: CCRA.W.7-W.9

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11-12.1, RL.11-12.2

**English Language Arts: Reading:** Informational Text: Key Ideas and Details: RI.11-12.1-12.3, Range of Reading and Level of Text Complexity: RI.11-12.10

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4, Research to Build and Present Knowledge: W.11-12.7-12.9, W.11-12.9.B

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History-Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

# Justice Denied

## SUMMARY

- In this chapter we see both a setback and a break.
- The Alabama Court of Criminal Appeals denies Walter's appeal despite Stevenson's argument that there was no credible corroboration of Myers' testimony and that under Alabama law, the State couldn't rely exclusively on the testimony of an accomplice, there was prosecutorial misconduct, racially discriminatory jury selection, and an improper change of venue and a challenge to Judge Robert E. Lee Key's override of the jury's life sentence.
- Stevenson and a newly hired addition to his legal organization—Michael O'Connor—continue to research Walter's case as they prepare to appeal the Court of Criminal Appeals' decision. Their discoveries include:
  - Proof that an eyewitness, Bill Hooks, was paid by the sheriff for his testimony.
  - Hooks' travel expenses for appearing at Walter's trial were paid by the sheriff, but this was never disclosed.
  - Hooks was released from the Monroe County jail immediately after making his statement condemning Walter.
  - Ralph Myers' claim of knowing Walter before the murder was proven false.
  - The fish fry Walter attended while the murder was committed was now confirmed.
  - Walter's truck was converted to a low-rider months after the murder despite Hooks testifying that he saw Walter's low-rider parked at the scene of the crime.
  - And perhaps the most significant piece of new evidence: Ralph Myers, the State's main eyewitness, recanted his testimony to Stevenson and O'Connor.
- While in prison, Myers has a change of heart and desperately wants to correct the lies he told that placed Walter on death row, but Stevenson and O'Connor can't directly trust him so they further investigate not only Ronda Morrison's murder but also Vickie Lynn Pittman's. They speak with the imprisoned Kitty Kelly, who confirms Myers' new version of the truth.
- The lawyers also meet with the aunts of Vickie Lynn Pittman, who are frustrated about their rights as the victim's family. The 1991 U.S. Supreme Court ruling on *Payne v. Tennessee* upheld the rights of states to present evidence about the character of the victim in a capital sentencing trial. Millions of state and federal dollars were authorized to create advocacy groups for crime victims in each state. Victim services and outreach became critical components of the prosecutorial function, but not for Pittman's family.



- Many poor and minority victims complained that they were not getting calls or support from local police and prosecutors. Many weren't included in the conversations about whether a plea bargain was acceptable or what sentence was appropriate. Furthermore, your victimization might be ignored if you had relatives who were incarcerated. The expansion of victims' rights ultimately made formal what had always been true: Some victims are more protected and valued than others.
- The case of *McCleskey v. Kemp* presented convincing empirical evidence that the race of the victim is the greatest predictor of who gets the death penalty in the United States. The study conducted for that case revealed that offenders in Georgia were eleven times more likely to get the death penalty if the victim was white than if the victim was black. 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.
- Despite collecting a significant amount of evidence from individuals, Stevenson did not have access to police records or other official documents. By filing a Rule 32 petition that would allow for another trial as long as new evidence could be presented, he would obtain a discovery including access to the State's files.
- The Monroe County Circuit Court approve the petition. Stevenson and O'Connor are not greeted warmly when they go to retrieve files from the district attorney's office. Soon after, they start to receive bomb threats.

## DISCUSSION QUESTIONS

1. Why do you think the State of Alabama rejected the appeal at the start of this chapter?
2. Does Myers seem any more reliable now than when he was put on the stand against Walter?
3. What are your feelings about *Payne v. Tennessee*?
4. How does the race of the victim come into decisions about sentencing?
5. Stevenson and his team are able to discover a significant amount of new evidence. Thinking back to Chapter 5, are you any more hopeful now for Walter's release?

## ACTIVITY

- Based on the Supreme Court case of *McCleskey v. Kemp*, the class should break into teams of five students. Each team should appoint two people to represent McCleskey, two people to represent Kemp, and one to act as a Supreme Court judge. Both sides should present evidence on which only the judge should base a decision. Once each judge has made a ruling, the class should come together, and each judge will present the decision along with the influencing reasons.

- Was there one prevailing decision? Did it seem like the judges were basing their decisions only on the facts presented directly to them, or were they also using their own emotions and previous thoughts on the matter?

## CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Speaking and Listening:** Comprehension and Collaboration: CCRA.SL.1-SL.3, Presentation of Knowledge and Ideas: CCRA.SL.4

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11-12.1, RL.11-12.2

**English Language Arts: Reading: Informational Text:** Key Ideas and Details: RI.11-12.1-12.3, Integration of Knowledge and Ideas: RI.11-12.8-12.9, Range of Reading and Level of Text Complexity: RI.11-12.10

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4, Research to Build and Present Knowledge: W.11-12.7-12.9, W.11-12.9.B

**English Language Arts: Speaking and Listening:** Comprehension and Collaboration: SL.11-12.1-SL.11-12.3, Presentation of Knowledge and Ideas: SL.11-12.4, 12.6

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

# All God's Children

## SUMMARY

- In 2014, at the age of fifty-two, Trina Garnett has served thirty-eight years in prison. She has mental and physical health issues and survived a rape by a prison guard. She is one of nearly five hundred people in Pennsylvania who have been condemned to mandatory life imprisonment without parole for crimes they were accused of committing when they were between the ages of thirteen and seventeen. It is the largest population of child offenders condemned to die in prison in any single jurisdiction in the world.
- Ian Manual was incarcerated at the age of fourteen by the State of Florida. Since juveniles housed in adult prisons are five times more likely to be the victims of sexual assault, Ian, who was small for his age, was placed in solitary confinement, where he remained for eighteen years.
- By 2010, Florida had sentenced more than a hundred children to life imprisonment without parole for non-homicide offenses. All of the youngest condemned children—thirteen or fourteen years of age—were black or Latino. Florida had the largest population in the world of children condemned to die in prison for non-homicides.
- In California, fourteen-year-old Antonio Nuñez was found guilty of aggravated kidnapping and attempted murder of police officers. Under California law, a juvenile has to be at least sixteen to be sentenced to life imprisonment without parole for murder. But there is no minimum age for kidnapping, so the Orange County judge sentenced Antonio to imprisonment until death, asserting that he was a dangerous gang member who could never be rehabilitated, despite his difficult background and the absence of any significant criminal history.
- At fourteen, Antonio became the youngest person in the United States condemned to die in prison for a crime in which no one was physically injured.
- Many black and brown children develop criminal records for behavior that more affluent children engage in with impunity.
- The horrific Stinney trial of 1944 reflected the racial politics of the South more than the way children accused of crimes were generally treated. It was an example of how policies and norms once directed exclusively at controlling and punishing the black population have filtered their way into our general criminal justice system today.
- Death-in-prison sentences like those served by Trina, Ian, and Antonio were insulated from legal challenges or appeals by a maze of procedural rules, statutes of limitations, and legal barricades designed to make successful postconviction challenges almost impossible.
- Stevenson decides to work on appeals for each of them.

- He also publishes a report to draw attention to the plight of children in the United States who have been sentenced to die in prison. The plan is to include photographs of the children, but only Florida will grant permission for a photographer to enter the prison.

## DISCUSSION QUESTIONS

1. What evidence did criminologists have in 1991 to support their “super-predator” theory?
2. How would you have changed the ruling in each of Trina, Ian, and Antonio’s sentencing?
3. Each one of them came from difficult home situations. Should that make a difference in their sentencing?
4. Is justice being served when minors receive life-in-prison sentences?
5. How does Ian channel his emotions?
6. How would you react to receiving a letter like the one Ian writes to Stevenson?

## ACTIVITY

- Research the Scottsboro Boys from newspapers during and soon after the trial. Were papers in the north covering the trial? Was the coverage different than in the local papers?
- Then compare coverage of Trayvon Martin’s case. Were Florida newspapers covering this story the same way as nonlocal papers?

## CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Research to Build and Present Knowledge: CCRA.W.7-W.9

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11-12.1, RL.11-12.2

**English Language Arts: Reading: Informational Text:** Key Ideas and Details: RI.11-12.1-12.3, Integration of Knowledge and Ideas: RI.11-12.8-12.9, Range of Reading and Level of Text Complexity: RI.11-12.10

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4, Research to Build and Present Knowledge: W.11-12.7-12.9, W.11-12.9.B

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10

# I'm Here

## SUMMARY

- The Rule 32 trial begins. Stevenson requests five days, but the judge only allows two and a half.
- Many of Walter's family, friends, and black community members show up in support on the first day.
- The entire courtroom listens as Ralph Myers recants his original testimony. He is direct, well spoken and believable. The first day goes well.
- The second day brings early-morning surprises. Many white supporters of the State are allowed into the courtroom early, filling up the visitors chairs while many of Walter's family and supporters are turned away. Those who can find space must first pass through a metal detector and cross paths with an intimidating guard dog.
- One elderly community leader, Mrs. Williams, had been emotionally scarred in 1965 by the police and their attack dogs in Selma. She is too daunted to enter the courtroom and regrets not being able to support Walter. The next day she gathers her courage, passes the dog, and lets all in the courtroom know she is there; she was there because she could not be kept away.
- The third exhausting day goes well again, and the State puts on no rebuttal case, to Stevenson's surprise. They anxiously await the judge's ruling, fearing retaliation from those who fought so hard to keep Walter in prison.

## DISCUSSION QUESTIONS

1. Does it seem like the jury now believes Ralph Myers?
2. What are your impressions of Mrs. Williams?
3. Stevenson remarks on several physical actions he takes during the trial. What are they and are they effective?
4. Of all the evidence presented in this trial, which is the most likely to sway the judge's ruling? Which is the least likely?
5. Should Stevenson and Michael be concerned?

## ACTIVITY

Using all of the same evidence Stevenson lists, prepare notes as if you were Stevenson. In what order would you present the evidence to make the strongest case? Would you call (or ignore) any other witnesses? What would you emphasize during your opening and closing remarks?

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

# Mitigation

## SUMMARY

- The internment of hundreds of thousands of poor and mentally ill people has been a driving force in achieving record levels of imprisonment.
- Today, 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.
- The number of seriously mentally ill individuals in jail or prison is more than three times higher than in hospitals; in some states that number is ten times higher.
- Corrections officers are not always well trained to handle mental-health issues.
- While visiting Avery Jenkins, Stevenson is intimidated but not deterred by one of the corrections officers. Later Stevenson is touched by an act of kindness from that same corrections officer.
- During Jenkins' trial for a murder committed during a psychotic episode, medical professionals explained that the psychosis and other serious mental health problems that burdened Jenkins could lead to dangerous behavior, but this behavior was a manifestation of a serious illness, not a reflection of his character.
- Stevenson argues that we get angry when people fail to recognize the need for thoughtful and compassionate assistance when it comes to the physically disabled, but because mental disabilities aren't visible in the same way, we tend to be dismissive of the needs of the disabled and are quick to judge their deficits and failures.
- Stevenson is able to have a retrial for Jenkins, who is removed from death row and placed in a facility better equipped to deal with his mental health.

## DISCUSSION QUESTIONS

1. Recount the story of George Daniel and list each example of how he may have been treated unfairly. Does everyone in the group agree?
2. If you were the prison warden where Avery Jenkins was held, would you allow your staff to proactively declare their political opinions?
3. Who is Dorothea Dix and why is she important to this chapter?
4. Did your state play a role in the massive deinstitutionalization rates of the 1990s? What impact do those actions have on today's society?



5. What does Stevenson mean when he uses the phrase “mitigation” in court?

## ACTIVITY

- The Equal Justice Initiative (EJI) exists on donations. Based on what you’ve read so far in *Just Mercy*, assume the role of head fund-raiser for the EJI and compose a two-page letter to potential donors explaining why people should support the work of the EJI. What facts and/or examples would you use to underscore your points?
- Exchange letters with your classmates and decide which letter would have the best likelihood of eliciting donations.

## CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4

**College and Career Readiness: Speaking and Listening:** Comprehension and Collaboration: CCRA.SL.1-SL.3, Presentation of Knowledge and Ideas: CCRA.SL.4

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4

**English Language Arts: Speaking and Listening:** Comprehension and Collaboration: SL.11-12.1-SL.11-12.3, Presentation of Knowledge and Ideas: SL.11-12.4, 12.6

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

# I'll Fly Away

## SUMMARY

- The ruling from Walter McMillian's Rule 32 hearing is finally in, and it is not favorable. Despite an overwhelming amount of evidence, the court focuses only on Ralph Myer's recant. The court rules that Myer's had not perjured himself in the original trial despite his own admission.
- The district attorney successfully argues that Myers must have been pressured to recant, however no actual evidence to support that claim is presented, which makes the judge's ruling hard to understand.
- But Stevenson and his legal team continue fighting and file a request with the Alabama Court of Appeals. Based on the newly discovered evidence, Stevenson is still hopeful for relief for Walter. Even if the court is unwilling to rule that Walter is innocent and should be released, the withholding of exculpatory evidence is extreme enough that the court would have a hard time avoiding the case law requiring a new trial.
- The television program *60 Minutes* covers the McMillian trial and does not portray the county and the prosecution in a very favorable light, but the heightened awareness of the dubiousness of the case convinces the Monroe County district attorney Chapman to bring in Alabama Bureau of Investigation (ABI) to reinvestigate the case.
- The detectives find zero proof of Walter's guilt but multiple instances of his innocence. The DA agrees and joins Stevenson's petition to drop all charges against Walter. The court rules in favor and after six years on death row, Walter is a free man and returns to his family and community.

## DISCUSSION QUESTIONS

1. Did the judge's ruling surprise you?
2. Do you think the *60 Minutes* segment hurt or helped Walter's case?
3. Václav Havel, the great leader, says people in difficult situations need what one thing? How did having this help Walter and his family?
4. Walter's unfair incarceration took a permanent toll on his family. Can you relate to Walter's wife's reaction?
5. Was justice finally served to Walter?
6. Do you find this case to represent the best or the worst—or something else—of our justice system?

## ACTIVITY

Stevenson cites Havel as an inspiration of hope. Who or what is your inspiration? Write a one-page paper discussing what gives you hope.

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

# Mother, Mother

## SUMMARY

- Marsha Colby was a poor white woman with a husband and six children living in a FEMA trailer when she became pregnant. Both she and her husband had jobs, but their wages were low, and she still did not have enough money for prenatal medical visits.
- She delivered a stillborn baby whom she loved and named; the family mourned the death and buried the infant next to their temporary shelter. An untrusting and suspicious neighbor reported Marsha to the authorities.
- The infant's body was exhumed and before performing a formal examination, a forensic pathologist with a history of premature and incorrect declarations determined Marsha's baby was born alive and would have survived with the aid of medical attention. Marsha was swiftly arrested.
- America struggles with high rates of infant mortality—much higher than in most developed countries. The inability of many poor women to get adequate health care, including prenatal and postpartum care, is a serious problem in this country.
- In 2006, Alabama passed a law that made it a felony to expose a child to a “dangerous environment” in which the child could encounter drugs. Thousands of mothers with children living in poor, marginalized communities where drugs are rampant were at risk of prosecution.
- The Alabama Supreme Court interpreted the term “environment” to include the womb and the term “child” to include a fetus. Pregnant women could now be criminally prosecuted if there was any evidence that they had used drugs at any point during their pregnancy.
- For Marsha Colby, there was little proof of any wrongdoing, but spurred on by a media narrative of a bad (i.e. poor) mother gone crazy, a jury with many admitted biases found Marsha guilty and she was sentenced to life in prison with no chance of parole.
- Two-thirds of all women in prison are there for nonviolent, low-level drug crimes or property crimes. Thousands of women have been sentenced to lengthy terms in prison for writing bad checks or for minor property crimes that trigger mandatory minimum sentences.
- The collateral consequences of incarcerating women are significant. Approximately 75 to 80 percent of incarcerated women are mothers with minor children who have become more vulnerable and at-risk and will remain so even after their mothers come home.
- In 1996, Congress passed welfare reform legislation that gratuitously included a provision that authorized states to ban people with drug convictions from receiving public benefits and welfare including public housing, food stamps, and other basic services. The population most affected by this

misguided law is formerly incarcerated women with children, most of whom were imprisoned for drug crimes.

Stevenson and his team took on Marsha's case, using the unfair jury selection as the basis for a retrial. It took two years to settle the legal case and then another year to wrangle the Department of Corrections into giving Marsha full credit for the time she already served. She was finally freed in December 2012 after ten years of wrongful imprisonment.

## DISCUSSION QUESTIONS

1. Who is the most guilty of wrongdoing in Marsha's case?
2. Do you think the verdict would have been different if the accused was the father of the infant?
3. What if Marsha was wealthy?
4. In what ways are female inmates more at risk than male inmates?
5. In your opinion, why do Alabama taxpayers allow their money to fund institutes such as the Julia Tutwiler Prison for Women? Does Tutwiler seem better or worse than some of the other prisons Stevenson has described?
6. Reflect on the statistics Stevenson cites for the imprisonment rates of women compared to men in the past decade. Why are these rates so different?

## ACTIVITY

- Working in teams of four, take on the role of Commission of the Alabama Department of Corrections. Imagine you have been asked to create a plan to make improvements at Tutwiler Corrections Facility. What would you prioritize? What new expectations would you put in place? Why would you make these choices?
- Each team should present the plan to the class. Do you agree with your classmates' recommendations?

## CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Speaking and Listening:** Comprehension and Collaboration: CCRA.SL.1-SL.3, Presentation of Knowledge and Ideas: CCRA.SL.4

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2,

W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4

**English Language Arts: Speaking and Listening:** Comprehension and Collaboration: SL.11-12.1-SL.11-12.3, Presentation of Knowledge and Ideas: SL.11-12.4, 12.6

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

# Recovery

## SUMMARY

- In 1992, the year before Walter’s release, thirty-eight people were executed in the United States, the highest number in modern history, and executions reached an all-time high of 98 in 1999.
- In 1993 Walter McMillian is released from prison. The media coverage brings national attention to his release. Walter and Stevenson are regularly invited to public speaking events.
- The EJI is selected for the Olaf Palme International Human Rights Award; Walter stays home and Stevenson travels to Sweden to accept the award.
- While in Stockholm, Stevenson watches a documentary on Walter’s case and sees Walter react in uncharacteristically emotional ways that trouble him.

## DISCUSSION QUESTIONS

1. Why does Stevenson want to encourage news stories about Walter being released as a free man?
2. Stevenson is concerned about Walter returning to his life in his hometown. Are those concerns realistic?
3. Should wrongfully imprisoned people receive financial restitution from the state? If so, how should the amount be determined?
4. What impact does the conservative majority in Congress have on Stevenson’s work?
5. Why does the Swedish documentary disturb Stevenson?

## ACTIVITY

Research laws in your state regarding restitution for wrongly imprisoned people and prepare a one-page summary along with your thoughts on whether you agree with these decisions. Use at least one example from a recent case.

## CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3; Research to Build and Present Knowledge: CCRA.W.7-W.9

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11-12.1, RL.11-12.2

**English Language Arts: Reading: Informational Text:** Key Ideas and Details: RI.11-12.1-12.3, Range of Reading and Level of Text Complexity: RI.11-12.10

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4, Research to Build and Present Knowledge: W.11-12.7-12.9

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

**English Language Arts: History/Social Studies:** Key Ideas and Details: RH.11-12.1-RH.11.12.3, Craft and Structure: RH.11-12.6, Integration of Ideas: RH.11-12.9, Range of Reading and Level of Text Complexity: RH.11-12.10



# Cruel and Unusual

## SUMMARY

- Florida is one of a few states that allow the prosecutor to decide to charge a child in adult court for certain crimes and has no minimum age for trying a child as an adult.
- Joe Sullivan, a thirteen-year-old with mental disabilities, is sentenced to life in prison with no chance of parole for a crime he did not commit. While in prison, he attempts suicide several times and develops multiple sclerosis, leaving him wheelchair-bound. Prisons are not equipped for this.
- Between 1990 and 2005, a new prison opened in the United States every ten days. Prison growth and the resulting “prison industrial complex” made imprisonment so profitable that millions of dollars were spent lobbying state legislators to keep expanding the use of incarceration to respond to just about any problem including health care issues like drug addiction, poverty that had led someone to write a bad check, child behavioral disorders, and managing the mentally disabled poor. Even immigration issues generated responses from legislators that involved sending people to prison.
- During their first visit, Stevenson quickly comes to the assessment that Joe Sullivan should not be serving in prison and files a petition to challenge the sentence as unconstitutionally cruel and unusual punishment. He’s hopeful that a 2005 Supreme Court ruling that differences between children and adults required that kids be shielded from the death penalty under the Eighth Amendment.
- The Supreme Court’s Eighth Amendment precedent requires not only that a particular sentence offend “evolving standards of decency” but also that it be “unusual.” In 2002, there were about a hundred people with mental retardation facing execution when the court banned the death penalty for people with intellectual disabilities. In 2005, there were fewer than seventy-five juvenile offenders on death row when the court banned the death penalty for kids, but more than 2,500 children in the United States had been sentenced to life imprisonment without parole.
- The United States is the only country in the world that imposes life imprisonment without parole sentences on children.
- In 2009, the U.S. Supreme Court agrees to hear Stevenson try Joe Sullivan and Terrance Graham’s cases.

## DISCUSSION QUESTIONS

1. What misstep did the police make in Joe Sullivan’s case?
2. What is the Eighth Amendment and what are its origins?

3. Stevenson focused on two subsets of children serving life sentences—which two, and why do you think he chose them?
4. One prominent person gave Stevenson’s U.S. Supreme Court case public support. Who was that and why is it significant?
5. Stevenson does not reveal the outcome of his Supreme Court hearing by the end of this chapter. What do you think will happen?
6. In your opinion, are there ever reasonable situations where minors should be charged as adults?

## ACTIVITY

Online there are many sites with poetry written by people serving time. Find one poem that resonates with you and recite in front of the class with a few sentences explaining why you chose this poem.

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Reading:** Key Ideas and Details: CCRA.R.1-R.2, Integration of Knowledge and Ideas: CCRA.R.7, Range of Reading and Level of Text Complexity: CCRA.R.10

**College and Career Readiness: Writing:** Production and Distribution of Writing: CCRA.W.4; Research to Build and Present Knowledge: CCRA.W.7-W.9

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**College and Career Readiness: Speaking and Listening:** Comprehension and Collaboration: CCRA.SL.2-SL.3, Presentation of Knowledge and Ideas: CCRA.SL.4, CCRA.SL.6

**English Language Arts: Speaking and Listening:** Comprehension and Collaboration: SL.11-12.1, 12.1A, SL.11-12.3, Presentation of Knowledge and Ideas: SL.11-12.4, 12.6

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

# Broken

## SUMMARY

- Walter is diagnosed with dementia and his health starts to decline. This, along with the pending U.S. Supreme Court hearing for Sullivan, numerous death row cases, and continuous funding issues all start to overwhelm Stevenson.
- The increasing rate of executions in Alabama went against the national trend. Media coverage of all the innocent people wrongly convicted had an effect on the death-sentencing rate in America, which began to decline in 1999.
- By 2010, the number of annual executions fell to less than half the number in 1999. Several states were seriously debating ending the death penalty. New Jersey, New York, Illinois, New Mexico, Connecticut, and Maryland all took capital punishment off the books. Even in Texas the death-sentencing rate had dropped dramatically, and the pace of executions had finally slowed.
- Alabama's death-sentencing rate had also dropped from the late 1990s, but it was still the highest in the country. By the end of 2009, Alabama had the nation's highest execution rate per capita.
- In 2005 Stevenson argued a case at the U.S. Supreme Court that raised questions about the constitutionality of certain methods of execution.
- Many states used drugs that had been banned for animal euthanasia because they caused a painful and torturous death. The drugs weren't readily available in the United States, and so states had started importing them from European manufacturers. When the news spread that the drugs were being used in executions in the United States, European producers stopped making them available. The drugs became scarce, which prompted state correctional authorities to obtain them illegally, without complying with FDA rules that regulate the interstate sale and transfer of drugs. Drug raids of state correctional facilities were a bizarre consequence of this surreal drug dealing to carry out executions.
- Simply punishing the broken—walking away from them or hiding them from sight—only ensures that they remain broken and we do, too. There is no wholeness outside of our reciprocal humanity.
- Stevenson writes that if we acknowledged our brokenness, we could no longer take pride in mass incarceration, in executing people, in our deliberate indifference to the most vulnerable.
- When you experience mercy, you learn things that are hard to learn otherwise. You see things you can't otherwise see; you hear things you can't otherwise hear. You begin to recognize the humanity that resides in each of us.
- Stevenson is honored to meet Rosa Parks and she advises him to remain brave.

## DISCUSSION QUESTIONS

1. Discuss the ways in which the system failed Jimmy Dill.
2. How is Walter judged at the nursing facility?
3. What effect did the events of September 11, 2001 have on the fight to appeal the death penalty?
4. To whom does the title of this chapter refer?
5. And the book title?
6. This chapter makes reference, not for the first time, to a correctional facility breaking the law. To what is Stevenson referring?

## ACTIVITY

In this chapter, Stevenson feels overwhelmed and is ready to quit. Write him a letter outlining all the reasons you would encourage him to continue on at the EJI.

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3, Production and Distribution of Writing: CCRA.W.4

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Writing:** Text Types and Purposes: W.11-12.1, 12.1.A, 12.1.B, 12.1.D, W.11-12.2, W.11-12.2.A, W.11-12.2.B, W.11-12.3, W.11-12.3.A, W.11-12.3.D, W.11-12.3.E, Production and Distribution of Writing: W.11-12.4

**English Language Arts: Language:** Conventions of Standard English: L.11-12.1, L.11-12.2, L.11-12.2A, L.11-12.2B, L.11-12.6

# The Stonecatchers’ Song of Sorrow

## SUMMARY

- On May 17, 2010, the U.S. Supreme Court announced that sentences of life imprisonment without parole imposed on children convicted of non-homicide crimes was cruel and unusual punishment and constitutionally impermissible. It was the first time the court had issued a categorical ban on a punishment other than the death penalty.
- Two years later, in June 2012, Stevenson and the EJI win a constitutional ban on mandatory life-without-parole sentences imposed on children convicted of homicides.
- More than two thousand condemned people sentenced to life imprisonment without parole for crimes committed when they were children were now potentially eligible for relief and reduced sentences.
- Along with the work on behalf of children, the work the EJI was doing on the death penalty had also taken a hopeful turn. The number of death row prisoners in Alabama for whom they’d won relief reached one hundred.
- For the first time in close to forty years, the country’s prison population did not increase in 2011. In 2012, the United States saw the first decline in its prison population in decades.
- Under the new ruling, sentences were being overturned, yet some judges wanted to get as close to life expectancy or natural death as possible before they would create release opportunities for child offenders. For example, Antonio Nuñez’s judge in Orange County, California, replaced his sentence of life imprisonment without parole with a sentence of 175 years (this was later reduced).
- In other cases, inmates are released immediately. Stevenson argues successfully for the release of Robert Caston, who served forty-five years, and Joshua Carter, who served more than fifty years.
- Stevenson takes on the task of implementing a project to change the way we talk about racial history and contextualize contemporary race issues.
- The EJI created a reentry program for newly released clients who had already been in prison for decades and had very few, if any, support systems to help them reenter society.
- The final words of this chapter are “Go on, go on.”

## DISCUSSION QUESTIONS

1. Explain the title of this chapter; can you think of anyone who fits this description?
2. According to Stevenson, what are the four institutions in American history that have shaped our approach to race and justice? Do you agree?
3. With regard to the EJI's reentry program, what specifically do you think this program should include? What allowances would you make for people of different ages?
4. Two separate and surprising reactions occur during Robert Caston's trial—what are they and why are they meaningful?
5. Why are wrongful convictions and illegal trials involving young children very common?

## ACTIVITY

Write a review of *Just Mercy* for *The New York Times Book Review*. What strengths and potential weaknesses did you find in this book? Would you recommend it to others? What suggestions would you make for inclusion/deletion in the second edition?

### CORRELATES TO COMMON CORE STANDARDS

**College and Career Readiness: Writing:** Text Types and Purposes: CCRA.W.1-W.3; Production and Distribution of Writing: CCRA.W.4

**College and Career Readiness: Language:** Conventions of Standard English: CCRA.L.1, CCRA.L.2, CCRA.L.6

**English Language Arts: Reading: Literature:** Key Ideas and Details: RL.11–12.1, RL.11–12.2

**English Language Arts: Writing:** Text Types and Purposes: W.11–12.1, 12.1.A, 12.1.B, 12.1.D, W.11–12.2, W.11–12.2.A, W.11–12.2.B, W.11–12.3, W.11–12.3.A, W.11–12.3.D, W.11–12.3.E, Production and Distribution of Writing: W.11–12.4

**English Language Arts: Language:** Conventions of Standard English: L.11–12.1, L.11–12.2, L.11–12.2A, L.11–12.2B, L.11–12.6

# Epilogue

## SUMMARY

- Walter passes away.
- At his funeral service, Stevenson shares the following thoughts:
  - The death penalty is not about whether people deserve to die for the crimes they commit. The real question of capital punishment in this country is, *Do we deserve to kill?*
  - Walter taught Stevenson that mercy is just when it is freely given and rooted in hopefulness. Mercy is most empowering, liberating, and transformative when it is directed at the undeserving.

## FINAL ASSIGNMENT

Reread the two-page application you prepared in advance of reading *Just Mercy*. Based on your reading and classroom discussions, revise this essay to include any new thoughts you may have about the American justice system.