

# *Just Mercy* by Bryan Stevenson

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## Introduction - Higher Ground

Stevenson opens with the story of his beginnings as an unsure law student and intern. It wasn't till his meeting of key mentors, like Betsy Bartholomew, a law professor who worked for the NAACP Legal Defense Fund, and later Steven Bright, director of the Southern Prisoners Defense Committee (SPDC), that he found his passion in criminal law and racial inequality. He tells the moving story of being an inexperienced law intern for SPDC and assigned to meet his first death row client, where his sole task is to tell Henry that he will not be executed in the next year. He comes into the meeting feeling nervous and unprepared, but Henry is passionately relieved by the news that he won't be executed in the next year. They end up talking for 3 hours, losing track of time, until the guard interrupts their session. As the guard forcefully and painfully cuffs Henry and pushes him out, there is a poignant moment as Henry begins to sing a Southern spiritual song singing "Lord, plant my feet on Higher Ground." Experiences like these gave sudden life and purpose to studying law and Stevenson realized that all his life he was struggling with the question of "how and why people are judged unfairly."

Stevenson describes his upbringing in the Southern and racially segregated rural counties of Delaware. His grandmother was the daughter of enslaved people, and she imprinted an important lesson onto Stevenson that “You can’t understand most of the important things from a distance... You have to get close”. Stevenson came to see that this closeness for him was the fight for justice of those judged unfairly.

Stevenson outlines the great mass incarceration industrial complex and the extreme punishment so often delivered without fairness. We’ve gone from 300,000 people in prison in the 1970s to 2.3 million today. 1 of 15 born in 2001 will go to prison, while 1 of 3 black babies born in this century will go to prison. Laws have made it increasingly easier to try children as adults and deliver life sentences without parole. The war on drugs has increased the number of prisoners for drug offenses from 41,000 in 1980 to half a million today. On top of this, collateral consequences on the incarcerated have included banning their access to food stamps (even for poor women wanting to feed their children), public housing assistance or simply taking residence in your family’s place or prior community, as well as voter disenfranchisement which for African Americans in some southern states has reached levels only present prior to the Voting Rights Act of 1965. The cost of mass incarceration has skyrocketed from \$6.9 billion spent by the government in 1980 to \$80 billion today. On top of this, the privatization of the prison industry leads to a vested interest in profiteering off mass incarceration.

Stevenson still offers a sense of hope, “that there is light within this darkness, he says in speaking about the case of Walter McMillian, a black man wrongly convicted on death row. His case which will be covered in this book, highlights the “disturbing indifference to inaccurate or unreliable verdicts, our comfort with bias, and our tolerance to inaccurate or unreliable verdicts”. Stevenson ultimately concludes with the vital lesson he’s taken that “*Each of us is more than the worst thing we’ve ever done.*” The opposite of poverty is not wealth, but justice, he says. He concludes that a character of society and a nation is not how they treat the highest rungs of society but “how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.” “An absence of compassion can corrupt the decency of a community, a state, a nation.”

## Chapter 1: Mockingbird Players

Stevenson tells the story of Walter McMillan, a black death row client of his, growing up in Monroe county in Alabama, home to the “Monroeville” of *To Kill a Mockingbird*. He opens with a strangely comical phone call he got from a judge by the name of Robert E. Lee Key. This judge was telling Stevenson to drop his defense of McMillan, saying he had deep ties with drug dealing as “Dixie Mafia”. Instead, though we learn that when McMillan met Stevenson, he insisted was innocent and framed. We learn more about McMillan’s upbringing in Monroe County. McMillan wisely saw that when Southern plantation owners shifted from cotton to the wood pulp and paper mill industry, black workers were especially at the mercy of the white

owners. Instead, McMillan industry started his own pulpwood cutting business, not earning great profits, but enough to be an independent and free worker.

McMillan was not without his flaws, including a misdemeanor from a bar fight and being known as a ladies man. But it was when he got involved with Karen Kelly, a white waitress who came on to him, that he got mired in her ugly divorce, trial, and resultingly the public eye.

Unfortunately, during this time two murders took place in the town, and one of the men in the case suggesting McMillan was the murder of the victim, a daughter from a well-respected family. The police were quite desperate at this point to find the murder, as the town had begun to look disfavorably on the seemingly inept sheriff and police.

In telling this story, Stevenson describes the great fear and resistance in the South to interracial marriage and sex. "Miscegenation laws" go back to the 1860s and were upheld by the Supreme Court in 1880s, and it was common to expect lynching during this time when it was discovered that a black man was having relations with a white woman. It wasn't till 1967 that the Supreme Court shut down anti-miscegenation laws, but even still such laws still existed in State constitutions; in Alabama it wasn't till 2000 that a ballot measure finally struck it down, by a relatively narrow margin. This sentiment undoubtedly played into the perception of McMillan's case.

## Chapter 2: Stand

Stevenson describes his early days as a lawyer, sleeping on his Steven Bright's couch until he finally mustered the time and money to move in with a friend of his in Atlanta. He then describes his huge case load working both for Alabama civil and criminal law while managing death penalty cases. He goes into the cruel punishment in prisons, including solitary confinement, "sweatboxes" where prisoners are confined in extreme heat for days or weeks, or chaining prisoners to "hitching posts" where their arms were fastened above their head and had them forced to stay there for hours (a practice that was declared unconstitutional till 2002). Exemplifying the brutal in prisons, Stevenson describes a case presented by the family of Lourida Ruffin. Ruffin was a large African American man who after being stopped for a traffic violation, was beaten badly, thrown in a jail cell, and not provided for when he begged that he needed his asthma inhaler and medication. He died in his cell that night, and while the prison guards claimed natural causes, all the jailmates told a different story.

Stevenson then tells a personal story in which he was wrongly held up by the police. After a busy night of work, he had the fortune of his finicky car stereo working as he listened to some of his favorite old tunes on the radio. When he arrived home he parked but kept listening to the music he loved, but noting that he kept it low enough that nothing would be heard outside. Two SWAT cops soon showed up and had him get out of the car, threatening to "Blow his head off" if he moved. Stevenson almost ran, but calmed down and assured the officers that all was ok and

that he lived here. The cops nonetheless illegally searched his car, and after finding nothing, they let him go. They said neighbors had called about a suspected burglar, as there had been burglaries in the prior weeks. Stevenson tried to report the cops, writing out all the ways his rights were violated, but nothing came of it.

In retrospect, he realized how fortunate he was to not have “ran”, and thought about all the other young black men who may have ran in fear. Stevenson ended talking to community groups and church gatherings on his work. In one church group, Stevenson got emotional, telling of his runup with the SWAT officers and their unjust treatment. As he was telling this, an old black man in a wheelchair kept staring at him. At the end of the talk, he came up to him holding his stare. He asked Stevenson “Do you know what you’re doing?” After Stevenson said “I think so,” the man broke the tension and said “You’re beating the drum of justice!” He told Stevenson to continue to beat the drum, and he showed him his 3 scars on his body, head, and face. He said he got these protesting and fighting for civil rights, and that they weren’t scars, but his “medals of honor”.

## Chapter 3: Trials and Tribulation

This chapter tells the story of McMillan’s unjust arrest, framing, and guilty verdict. Sheriff Tate, ABI investigators, and the DA realize that it’s too implausible to arrest McMillan on the grounds of murder of Morrison. But Ralph Myers, a severely burned white man known for his unreliable stories, builds on the suggestion of officers that he was assaulted by McMillan and concocts a story that McMillan sexually assaulted him. Tate seizes on this and arrests McMillan for “sodomy”. During his arrest, Tate and officers unashamedly throw racial epithets at McMillan and even bring up the recent lynching of a black man named Michael Donald, terrifying McMillan. Later officers get Myers to concoct an implausible story of robbery-murder of whereby in mid-day, McMillan walks up to Myers in a gas station, says his arm is injured and needs to someone to drive him (despite being able to drive to the gas station), drives to the crime scene, while Myers leaves to buy cigarettes elsewhere, and returns to have McMillan come out after killing the store clerk and having Myers drive him back to the gas station only after threatening he’d kill him if he told anyone. Later Tate and investigators promise release to a black man, Bill Hooks, known as the jail snitch, if he helps incriminate McMillan in the Morrison murder. He says he saw their truck at the cleaners and saw the two men pull away. With these two claims, they proceed to prosecute McMillan.

McMillan however has a obvious alibi. During the day of the murder, his family and other church goers were hosting a fish fry *on his front-lawn* to raise funds for their church, while McMillan worked with a friend of his on fixing the transition of his car. *Dozens* of those at the fish fry were able to attest that McMillan was clearly not involved in the murder.

Nonetheless, McMillan was put on death row until his case was ready -- something which is illegal to do before someone has been convicted, but this did not stop Sheriff Tate from doing

so. On death row, McMillan heard the terrible stories of the electric chair, including the horrific and prolonged execution of John Evans, which took 14 minutes total with 3 tries of electrocution; the prisoners said they could smell his burnt flesh reach their cells.

Walter's family helped raise money to hire two black lawyers, but this was interpreted by Tate and prosecutors as confirmation that Walter had hidden drug money. Meanwhile, other prisoners tell Walter that he can file a claim demanding he be taken off death row, as there was no conviction. Walter has few reading and writing skills, so despite attempting, his claim fails.

Meanwhile, Myers is put on death row too and this makes him psychologically deteriorate and he promises to say anything to get off death row. This plays into the hands of Sheriff Tate, as well as the DA Ted Pearson who wants to soon retire but wants victory in this case to save his public image that was threatened by the inability to incriminate anyone in the Morrison case for so long.

Walter still believes that because the claims were so utterly implausible, once the evidence is reviewed he would be declared innocent. Yet his fate takes a terrible turn. Walter's lawyers want to move the trial to a county with less public eye, and nearly all the surrounding counties have sizable black populations for jury selection. But after a very likely conspiracy between the DA and Judge Robert E. Lee Key, Judge Key grants the motion to move the trial but to Bayton County, the very conservative county which has a very small black population.

All white juries have been a cause for many Supreme Court rulings over the years, and despite the laws passed, judges and prosecutors have gotten creative in the "peremptory strikes" they use to exclude black from the jury.

Walter still thinks the case against him has no chance. But he must wait an extra 6 months after the case is postponed due to the psychological deterioration of Myers.

Unbelievably though, when the trial happens, it is quick and decisive. Myers is cross-examined and his lies and implausible story are exposed, but the jury and prosecutors seem to ignore all this. The prosecutor simply has Myers retell his story a second time, and after testimony by Books and another white man Walter does not know, the jury pronounces McMillan guilty.

## Chapter 4: The Old Rugged Cross

Stevenson and colleague started the Equal Justice Initiative in Montgomery, after a false start with another nonprofit they started earlier in Tuscaloosa. Just after barely getting off the ground, Stevenson was soon flooded by many death row inmates begging for help. Judge "overrides" in cases were common, whereby the judge could change a jury's decision for a life sentence to one of capital punishment. Tragically, this was often the result of judicial elections, which pushed judges to be extra "tough on crime" so as to not receive criticism during elections.

Stevenson tried to help Honrace Dunkins who had such an override, but even after petitioning to the Governor for clemency, the request was denied and he was killed with the electric chair. In another case where once again Stevenson had to quickly scramble for stay orders, he represented Horace Dunkins who suffered from mental retardation and yet still was executed in a terrible botched execution with electric chair malfunction.

The rest of the chapter focused on the plight of Herbert Richardson, who called Stevenson 30 days before his execution date and begged for Stevenson to take his case. Despite the unlikelihood of succeeding and being spread extremely thin with his caseload, Stevenson took the case. Richardson was a Vietnam Vet suffering from PTSD. He fell in love with his nurse and they started a relationship, but she soon wanted to be separate and moved down to the South from the North. Herbert followed her to the South and devised a terribly misguided plan to win back her heart. He thought to plant a bomb in front of her house, detonate it from a distance that would not hurt her, and then rush in to “save” her. This plan met a tragic end when the woman’s little niece came out and picked up the bomb to play with and was instantly killed, all to Herbert’s horror as he tried to stop her from across the street.

Horrifically, Herbert received terrible defense from his attorney who barely reviewed his case and did not present anything about his background of abuse as a kid, Vietnam service, PTSD, nor was there much focus on the fact that he did not *intend* to kill anyone. It’s against the law for anyone to be sentenced with capital punishment for a killing they did not intend, but the prosecutor pushed for an unprecedented “theory of transferred intent” and even concluded his argument by urging the death penalty, because Richardson was a “Black Muslim from the north”, which was completely untrue and unwarranted.

Stevenson tried to help Richardson file a stay order, but his efforts ultimately did not succeed, even after appealing to the Supreme Court. On the night of the execution, Herbert admirably tried to keep everyone in good spirits, cracking jokes, and speaking highly and proudly of his lawyer, Stevenson. But soon there was much tears and sobbing from family, and Herbert’s newly wed wife (another woman he married while on death row). Herbert made sure Stevenson would have the government send a US flag, which he was honored for from his military service, to his new wife. He also requested, they play the old hymn, “The Old Rugged Cross” as he walked to the execution room.

The execution was the first Stevenson would witness in person. Everyone, even the guards and officers leading it, felt a sense of wrongness in what was being done. Stevenson expressed that up close, killing is especially difficult and painful act. He concludes by reflecting that it is strange why we feel it is ok to kill. We don’t rape rapists, or assault those who’ve assaulted as punishment, but for some reason we think it’s ok to kill those who kill.

Despite being a heart-wrenching experience, Stevenson the next day felt a renewed vigor to do all he can to help his death row clients.

## Chapter 5: Of the Coming of John

Stevenson meets with Walter's wife, Minnie, as well as his 3 children who are in their 20s. Later Stevenson goes with Minnie to a family and community gathering at a relative's trailer in the woods. 30 or so individuals, all fitting in the trailer, want desperately to speak to Stevenson and the absurdity of the case and charges, as so many of them can attest to Walter being no where near the crime scene. Stevenson spends 3 hours talking to the family and community members, until he leaves past midnight. He recounts the sad story written by W.E.B. Du Bois titled "of the Coming of John". In this story a black man is sent off by his community to get an education so that he can return to the community to educate the next generation. Tragically, when he returns, his efforts are met with intimidation and the closing of the school and ultimately his lynching. Stevenson draws on the pain felt by the community in that trailer and also in Du Bois story, whereby placing hope in the prospects and efforts for justice, sometimes sadly is met with further distrust, animosity, and more injustice.

Still, many more individuals want to offer their help and testimony to Stevenson. One is a white man named Sam Crook, who Walter served with his business, a man Walter calls "interesting," a common phrase Walter uses for people he finds somewhat "odd". Walter, Stevenson points out, has a great deal of empathy for people, even his prison guards, which he often gives the benefit of the doubt, saying they may just be having a bad day or going through their own difficulties. In this discussion, Stevenson talks of the importance of speaking casually with his clients about topics not just related to the trial, but other everyday things. He points out that not only does this enable the trust that helps get at the difficult details of one's background and history, but that it also cultivates a genuine relationship between him and his clients.

Stevenson later gets a call from Darnell Houston, a young black man, who wants to meet in person, and has testimony that proves Walter is innocent. He tells Stevenson that he knows Bill Hooks was lying with his testimony of seeing Walter's car at the crime scene because he was working with Bill Hooks at NAPA Autoparts all day during the crime, and they even were together as they heard all the ambulance sirens go off. Evidence like this gives Stevenson hope for a retrial, but amazingly, after the community gets wind of Houston talking to Stevenson, the authorities arrest Houston and indict him on grounds of "perjury" and take him to jail where he's released on bond.

Stevenson is shocked by this clear attempt at intimidation, which is also utterly illegal. Stevenson then goes to the Monroeville County courthouse, where he meets with the new DA Tom Chapman. Stevenson as first retains some cautious hope that the new DA may be more sympathetic, but this proves not to be the case. Chapman is defiant and coldly indifferent to all the claims Stevenson raises, including the illegal intimidation of Houston, who is simply bringing evidence that sheds light on false testimony in a capital crime case. Chapman says he will be dropping the charges on Houston, but that it doesn't matter, because (to Stevenson's surprise)

the court had already denied Stevenson's motion for a retrial. This is very surprising to have be filed without Stevenson being told, and without a formal hearing. Stevenson leaves outraged, and leaving the courthouse with flyers touting the fictional *To Kill a Mockingbird* in the historic Monroe County, only adds to his outrage at the ironic predicament that still exists with injustice in the county.

Stevenson visits Houston and tells him the charges against him are being dropped, but that if anyone troubles him further, he can tell them that Stevenson will be representing him as his lawyer. Stevenson ends by reflecting on the sinking realization that if he's getting these responses of intimidation, the fight ahead for Walter may be especially hard. As he drives home to Montgomery through the farmland, he ponders the disparities of two groups or communities in Monroeville and the South -- one that can retreat into a place of comfort, another one of great discomfort, fear, and anxiety.

## Chapter 6: Surely Doomed

Stevenson gets a call from a grandmother pleading with him to help is her grandson who's in jail, yet "He's just a little boy." Charlie was a young black boy who was only 14, yet he was being tried as an adult for capital murder. Charlie was a short, skinny boy who was a good student and a good boy according to his family. His mother had a boyfriend who she described as a "mistake". He'd often come home drunk and would abuse Charlie's mother, once even requiring Charlie to call 911. One night George comes home, punches his mother in the face, and she falls and hits her head on the counter. George leaves to the bedroom where he falls asleep, while Charlie tries desperately to stop the blood from pouring out of his mother's head wound. Charlie is trembling with fear and his nose starts bleeding. He soon sees that his mother is not breathing and wants to get the phone to call 911, but the phone is in the bedroom where George is sleeping.

As he goes into the bedroom, without fully thinking, he retrieves the handgun in a drawer and shoots George. To his surprise, he then here's groans from his mother who's still alive, and he immediately calls 911.

The prosecutor though pushes to try Charlie as an adult, citing that George was a courageous police officer beloved by the community. The judge agrees.

Stevenson visits Charlie in jail. After reviewing his case, he thinks it's unconscionable how anyone can try Charlie under these circumstances as an adult. Stevenson tries for a very long period of time to get Charlie to speak, telling him, he only wants to help him. But Charlie simply stares distantly into space and does not make eye contact or talk. Finally, after Stevenson's many attempts, when he puts his arm around Charlie, Charlie begins to sob. He reveals that he has been sexually abused and raped by others in jail, starting from the first night of his holding.



Stevenson immediately goes to the sheriff, judge, and prosecutor and they agree to immediately move Charlie to a single cell away from others. Stevenson takes on Charlie's case and they successfully transfer him to a juvenile court, and get his sentence changed to a juvenile offense.

Stevenson shares how later he was speaking at a church about Charlie and the plight of incarcerated children. A kind elderly white couple, Mr. and Mrs. Jennings, say they want to help Charlie. Through Stevenson as an intermediary they write him a remarkable letter and say they want to help Charlie. They ensure that Charlie gets his GED, and they want to use the money they had saved for their now deceased grandson to help Charlie go to college. Charlie is at first a little timid in not making a good impression to the couple, but when they meet they say "they loved him instantly." When Stevenson cautions that they can't insist or expect too much out of the boy who's been through so much, Mrs. Jennings lovingly insists "If we don't expect more from each other, hope better for one another, and recover from the hurt we experience, we are surely doomed." Along with Charlie's mom, the Jennings couple was their on day of Charlie's release to take him home.

## Chapter 7: Justice Denied

Walter's appeal is denied. Presiding chief judge was former Alabama governor John Patterson, who was an ardent segregationist, who was more extreme than George Wallace who I defeated for governor. Stevenson delivers the sad news to Walter, but says they still have ground to push onwards. Stevenson starts to realize that in order exonerate Walter, they may just have to solve the Morrison murder.

Stevenson gets much needed help from a new hire, Michael O'Conner, a Yale Law School graduate. O'Conner overcame a heroin addiction in his teens, so he especially felt inclined to help fight a system of brokenness working for the Equal Justice Initiative.

When Ralph Myers calls Stevenson telling him he wants to talk, Stevenson and O'Conner visit him in a maximum security prison. Myers speaks for 2 hours, telling them his testimony was lie and he had been coerced and threatened with the death penalty if he didn't testify against McMillan. He feels great remorse, it seems, as he's been spending time in group therapy in prison that has pushed him to "honesty" and the need to set things right. Myers also claims that the Pittman murder that he and Karen Kelly were implicated for also involved a corrupt law officer.

Stevenson and O'Conner wonder how reliable Myers can be. They decide to visit Karen Kelly in prison. She feels great remorse for Walter and laments that he did nothing wrong and would never violently hurt anyone. She also confirms that Myers only knew Walter by name through Kelly, but that he did not actually know Walter. Stevenson then goes to speak with Vickie Pittman's aunts, Mozelle and Onzelle. The two aunts are twins and have been seeking information and answers, but they lament that prosecutors and officers had little care for what

they wanted to say, dismissing them as “white trash”. They confirmed what Myers had said in that they believed that a local officer and also Vickie Patterson’s father (their brother) was involved in the crime.

In the late 80s and early 90s, the “victims’ movement” gained steam, whereby the Supreme Court reversed their previous ruling and thereby ruled that a victim’s story can play a role in the case. This brought the victim and their family front and center, as opposed to a model where violent crime was a crime against the community and the prosecutor represented the community. This had the unfortunate effect of further marginalizing the poor and marginalized, who got less interest from prosecutors and others who devalued their importance. Sadly the Supreme Court case *McCleskey vs. Kemp* turned a blind eye to egregious racial biases in verdicts of the death penalty. Forces like these were at work and made the Pittman aunts hurt that no one was listening to their plight.

In a turn of events, the Circuit Court agrees to Stevenson’s petition to retry McMillan’s case, opening the doors to presenting new evidence and discovery, whereby they’d have access to police and DA records. Stevenson and O’Conner meet Sheriff Tate, the ABI investigator, and the DA to get the police records. They soon also had access to very informative records like Myers’ mental health records, files on the Vickie Pittman murder. Soon they started to see some questionable occurrences in the files on some law officers in the Pittman case. They decided to contact the FBI. Soon after, the bomb threats started.

## Chapter 8: All God’s Children

In this chapter, Stevenson tells the stories of 3 individuals sentenced to life imprisonment for crimes they committed while still children. Trina is raised in an abusive family, has intellectual disabilities, runs away from home, and accidentally commits arson that leads to the death of two boys. To the dismay of the judge who has to follow the court procedures that result from her poor legal defense, he is sentenced to life imprisonment. She is raped while in prison by a prison guard, has a child as a result, but then has her child immediately taken from her. Another story is that of Ian, who at age of 13 robs a woman with two older boys and shoots her in the jaw. She survives, but he also gets a life sentence and is relegated to solitary confinement. Despite later having a correspondence with the woman he shot, and her pleading the court to lighten his sentence, this does not happen. Then there’s the story of Antonia, who’s raised with gang violence surrounding him in South Central LA. While a boy he’s shot and wounded but also sees the killing of his brother who tried to help him. He makes extraordinary progress when his mother sends him to Las Vegas to live with relatives, but unfortunately probation offers require he come back for a prior offense. He takes a gun for self-defense, and ends up being an accomplice in a fake kidnapping and ransom where he shoots a car with undercover cops. He’s sentenced to life in prison at 14; he became the youngest person in the US sentenced to die in prison for a crime in which no one was killed.

Stevenson goes into the politics of fear and anger. The push toward harsh juvenile sentencing took off in the 80s and 90s, but had deep roots. In South Carolina, in 1944 there was a terrible example of a black boy who at 14 years old was executed. He was charged with the killing of 2 young white girls simply because he was the last to see them before they were found dead -- even though there was no evidence against the boy, and years later another white man admitted to the crime. The politics of fear and anger in the 80s and 90s came from a completely unfounded idea of "super-predators" emerging at a young age. This was a theory espoused by criminologists, but later debunked by the surgeon general in 2001 as completely unfounded. Nonetheless, this influenced harsher sentencing of juveniles as adults.

Stevenson eventually represented Trina, Ian, and Antonio. Each showed some progress in their own way. Trina finally was able to meet her son. Antonio reads and has a strong desire to learn through reading. And Ian is a very bright man, he reads voraciously and writes poems and letters, many of which he shared with Stevenson. This chapter, which began with a poem by Ian, ends with a letter from Ian, thanking Stevenson and EJI for the photos they took of him. These photos and the writing of Ian and others were published by EJI to put a face on some of these many individuals incarcerated for life for crimes committed while children.

## Chapter 9: I'm Here

Stevenson gets paralegal help from an African American woman cop, who was tired of all the misconduct she'd seen by officers. In the trial, Stevenson requests for a week to present the new evidence, but the judge just gives 3 days. Stevenson and O'Conner prep to prepare everything in the time frame. They also meet with Myers, doing their best to make sure he just speaks honestly and simply, without any fanciful elaboration.

On the day of the hearing, dozens of community members appear in the courtroom to support Walter. Stevenson tries at the beginning to invoke "sequestration" whereby the officers are not allowed to hear the testimony of those called to the stand so that they can't alter their testimony accordingly. But the judge denies this. Stevenson then makes opening remarks saying that the entire case was predicated on Myers' testimony, but as will soon be shown, this will be proven utterly false. Myers is called to the stand and he categorically says his original testimony was false, and that he was repeatedly coerced and threatened by Officer Tate and officials to give the false testimony.

Then Clay Kast is called to the stand and he voids the testimony of Bill Hooks, who claimed he saw Walter's "low-rider" truck at the crime scene. Kast reveals that Walter's truck was not turned into a "low-rider" till 6 months after the murder. Then officer Woodrow Ikner, a former cop, is called to the stand. He reveals that the boy of Morrison was not found in the front of the cleaners where Myers claimed it was. Importantly, he also reveals that trial prosecutor asked him to lie and say the body was moved to where Myers claimed it was. He refused to lie and

was fired. The judge was evidently perturbed by this testimony, as it was the first undeniable sign of egregious misconduct by the authorities. Day one ends looking favorable for Walter.

On the morning of the second day, Stevenson comes to the courthouse to see that Walter's supporters and not being allowed into the courthouse. There are metal detectors and police dogs inside, and they discover that half the court was reserved for white supporters of the State. Finally, they let Walter's supporters in, but not everyone can be let in due to space constraints. Mrs. Williams is a graceful, dignified elderly African American lady. She enters, but as soon as she sees the police dog, she's paralyzed with fear and leaves. Mrs. Williams would later tell Stevenson that she had traumatic memories of the protest for voting rights in 1965 at the Edmund Pettus Bridge in Selma, where they were beaten and had dogs released on them. In the trial that day, Stevenson gets more supporting testimony from 4 doctors and mental health professionals who confirmed that Myers was being coerced and threatened to lie about the McMillan case.

On the third day, Mrs. Williams makes it into the courthouse despite her fear of the dog, and stays standing right at the start of the hearing, and loudly proclaims "Attorney Stevenson, I'm here!" Stevenson is at first confused by the gesture, but when she says it again, he recognized that she was saying "I may be old, I may be poor, I may be black, but I'm here. I'm here because I've got this vision of justice that compels me to be a witness."

The last day of the hearing goes well. They call to the stand Myers' jailmates who also confirm that Myers was being threatened to give false testimony. They save the best for last, where they then present the tapes of Tate and investigators coercing Myers; here they also find statements that the prosecution failed to disclose originally, which could have been used by McMillan's original defense lawyers.

It concludes well and after everyone says their farewell, Stevenson and O'Conner decide to end the day with a trip to the beach. After swimming in the ocean, O'Conner shares his worries of the threats they'll receive, given that now they've proven Walter innocent and exposed the lies and subversion of the authorities. Stevenson shares the worry but says they have to press on.

## Chapter 10: Mitigation

Stevenson describes the terrible state of prisons being a warehouse for the mentally. In the latter half of the 20th Century there was a deinstitutionalization of the mentally ill. There are now 3x more seriously mentally ill in prison than in hospitals. In prisons, there are terrible conditions where other prisoners and guards don't understand the problems of the mentally ill and dole out severe punishment and confinement that only exacerbates their conditions.

Stevenson represented George Daniel, a man who suffered brain damage after a car accident and became psychotic, ultimately leading to the death of an officer when they were caught in a

tussle and his gun discharged. He was convicted for capital murder and sentenced to death, after his original lawyers failed to present any evidence and were more concerned over which lawyer would receive payment. Worse still, a doctor meant to perform an evaluation said George was faking his illness to go free. It was not till Stevenson took the case that they discovered this doctor was a fake, who completely faked his medical credentials and didn't even graduate college. At first the court acknowledges the fraud, but don't offer to change the ruling. It's only on an appeal to a federal judge that Stevenson gets the ruling overturned and George enters a mental health facility instead of death row.

When Stevenson visits Avery Jenkins, a mentally ill man on death row, he notices a truck outside the jail that is decorated with terribly racist bumper stickers, Confederate flags, and a gun rack. Stevenson describes the history of a reign of terror in the South following post-Reconstruction. Any time there was civil rights progress, there was often white backlash led by terror groups like the KKK. Today, public buildings may still don the Confederate flag, and even the birthday of Confederate president Jefferson Davis is an Alabama holiday. Stevenson even describes court judges openly complaining about his insistence on minority rights when no one looks after the rights of Confederate Americans. At the prison, Stevenson is stopped by a muscular, built and hostile white guard who forces him to do a strip search, even though Stevenson says as a lawyer, he does not need to. After some hostile exchanges that Stevenson ignores, the officer tells Stevenson that he owns the truck outside.

Stevenson sees Avery Jenkins inside and it's apparent how mentally ill he is. All he keeps insisting on is that he wants a chocolate milkshake. Jenkins experienced a history of child abuse through countless foster homes. At 13, he was abusing drugs and alcohol. At 15, he had psychotic episodes. At 20, he had a psychotic episode that led him to kill a man he thought was a demon. Amazingly, his lawyers conducted no investigation, presented no mental record, and he was convicted of capital murder and sentenced to death. Stevenson returns on several occasions to see Jenkins, and Jenkins always asks for a milkshake, but Stevenson is not allowed to bring a milkshake, despite inquiring if this could be done.

In court, Stevenson presents Jenkins' sad story and background. At one point, after suffering terrible abuse, his mother ties him to a tree out the woods, where he is left for 3 days until found by others. Doctors describe his terrible mix of organic brain damage, schizophrenia, and bipolar disorder. Stevenson argues that just as we wouldn't blame a man with no legs for his inability to climb stairs, we cannot blame Jenkins for his mental disabilities, but must meet it with compassion and understanding.

On the final trip back to see Jenkins in the prison, Stevenson is greeted by the once hostile guard. Surprisingly, he is genuinely kind and gentle with Stevenson, telling him no search is necessary and that he's already taken care of the signing in for Stevenson. Stevenson is cautiously surprised by the man's sudden kindness, but he soon sees it's genuine. The guard shares that he witnessed the 3 days of trial they had for Jenkins and that it really moved him. He explains that he too had a tough upbringing going in and out of foster care. But he didn't

realize that some people like Avery Jenkins had it even harder than he did. Stevenson is touched and says "It means a lot... Sometimes I forget how we all need mitigation at some point." The guard says he appreciated that word and jokingly said he even looked it up after Stevenson kept using it in court. Finally, the guard wants to share one more thing. He says that on the way back from court, he treated Avery to a milkshake at Wendy's. When Stevenson meets Avery, Stevenson opens by apologizing that he has no milkshake, but Avery says he's already been taken care of and no longer needs a milkshake. He never brings up a milkshake again. Ultimately, they get a favorable ruling, where Jenkins' sentence is reversed and he's to be transferred to mental health facility.

## Chapter 11: I'll Fly Away

As a result of the McMillan case, Stevenson and the EJI office were getting bomb threats. They took them seriously, as in last couple of years, judges and civil rights lawyers in the area received mail bombs. Stevenson also got calls at his home threatening to kill him and Walter while calling them "dead niggers."

Though Stevenson was not totally surprised, Judge Norton still ruled against Walter. Stevenson was expecting this and forewarned Walter and his family, knowing that this was ok, because there real chance lied in the Appellate Court. In the appeals, the judges could not ignore case law which would undoubtedly be favorable for Walter.

Michael O'Conner had to finally leave to San Diego to start his new job. He was replaced by Bernard Harcourt, a smart, determined, and hardworking lawyer who jumped right into supporting the McMillan case.

Stevenson ponder going to the press with Walter's story. This was risky because it would lead to backlash from the local press and judicials, as had often been the case with similar civil rights coverage in the past. But Stevenson felt ultimately that this was better, because it may help Walter's perception when he got of prison, which no doubt would be hard with so many people thinking he was a murderer. The ultimately decide to proceed with a *60 minutes* piece, which proves very therapeutic and worthwhile for the black community and Walter's supporters. Still there is lots of criticism from the local press and the DA Chapman, who is interviewed. As a result of the coverage though, Chapman realizes his credibility is on the line, and starts to second guess things. He orders another investigation into the case, which is great news for Walter.

The new ABI investigators Tom Taylor and Greg Cole look into the case and meet with Stevenson and Bernard. They tell Stevenson and Bernard that Walter the evidence shows Walter is clearly innocent and that Bill Hooks was lying. Importantly, the say they have a suspect. This is great news for Walter, since the best way to cool backlash and ensure his safety is to find the real perpetrator. Stevenson and Bernard turn over the files, as well as

phone records from a strange man who kept calling them about information about the murder. This individual, a white man, is the same one that Taylor and Cole suspected was the murderer.

Unfortunately, even though they had strong evidence that Walter did not commit the crime, he still must wait until the investigation proceeds; this requires they “maintain the status quo” for 6 more months. In pondering all this, Stevenson draws on the need for hope, reflecting on the words of Vaclav Havel, the great Czech leader. He spoke of his people during the era of Soviet domination, saying they *wanted* many things, but all they *needed* was hope, “not pie in the sky stuff, not a preference for optimism over pessimism, but rather “an orientation of the spirit,” a 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.”

At last, the Criminal Appeals Court invalidates Walter’s conviction and death sentence and orders a new trial. Stevenson shares the good news with Walter. He is relieved, but reflects somberly on the 6 years of his life lost. He then lightens the mood by talking of all the great food Bryan ought to treat him to. There is more good news, as DA Chapman joins the motion to dismiss the charges. Soon before the hearing, Minnie shares that though she’s elated for Walter’s release, she feels too much has changed and that they shouldn’t go back to living together. When Stevenson shares this with Walter, Walter is ok and says nothing can spoil this day of freedom.

The hearing is quick and the judge grants the motion to free Walter. In a final statement, Stevenson ends by saying it was far too easy to convict Walter and sentence him to death for something he didn’t do, and far too hard to prove his innocence, saying that in this state there were serious problems and important work that needed to be done. There is a huge crowd of supporters and press inside and outside of the courthouse. Stevenson drives Walter to the prison to pick up his belongings. The other death row inmates held a special service for Walter the previous night, and Stevenson says Walter’s “freedom was, in a small way, a sign of hope in a hopeless place.”

As Walter leaves the prison, the cheerful crowd awaits. He hugs Mrs. Williams, and Mrs. Williams gives Stevenson a wink. As he walks to the car, Walter moves his arms like a bird in flight, saying “I feel like a bird, I feel like a bird.”

## Chapter 12: Mother, Mother

This capture is a window into all the poor mothers and women who are marginalized in the criminal justice system. Stevenson tells the story of Marsha Colbey. She was a drug user in her earlier days. After Hurricane Ivan ravaged her family home, she found herself pregnant at age 43. Nonetheless, she resisted to turn to drugs, and focused on continuing to raise a loving family, as she’d done with all her current children. She did not have money to see a doctor

during pregnancy. Unfortunately, 5 weeks before expected delivery, she gave birth to a stillborn child in a bathtub. She and her family mourned and buried the baby by their trailer home. However, a nosy neighbor reported to authorities that Marsha must have killed her baby. An investigation was started, and an autopsy was done. The pathologist said she was inclined to report killing, even before she tested the autopsy, and she made went with a “diagnosis of exclusion”, saying she couldn’t find any evidence of they baby being a stillborn. This was despite the many doctors and experts “absolutely” disagreed with her diagnosis.

At the time there was a media frenzy on “bad mothers,” often targeting poor mothers who can’t afford proper medical care. Stevenson tells the case of Bridget Lee how also had a stillborn child. Again a biased pathologist diagnosed against her, despite 6 later pathologists ruling the fetus was a stillborn. They ultimately won the case, but the pathologist moved to Texas and still practices. Another shocking case was of Victoria Banks. She was sentenced for capital murder for killing a baby after false accusations, despite never being pregnant. The case was ultimately won when it was shown that years earlier, she had a tubal ligation, preventing her from being pregnant! These stories were all examples of the effects of broadly defined laws for child protection that were being interpreted to marginalize poor women with reproductive problems.

Marsha Colbey faced partial jurors who openly said they’d believe anything the prosecution said. She was sentenced to life in prison without parole. She then found herself at Tutwiler prison for women, a terribly overcrowded prison, rated one of the worst in the country for its terrible conditions. Overcrowding was common in women prisons, as many women were sent to prison for lengthy terms of three strikes laws, for, say, writing bad checks or low level property crimes. 75-80% of women have minor children. It didn’t help that in 1996 Congress passed welfare reform legislation banning people with drug convictions of receiving public benefits, food stamps, or public housing, which affected terribly many poor mothers -- a new class of “untouchables,” as Stevenson puts it.

Tutwiler was terrible. Women were being raped and sexually assaulted. When EJI took their first Tutwiler case with Diane Jones, she was given countless notes and letters asking for help, including that that of Marsha Colbey. Marsha’s case was taken on by EJI staff, including Rhodes Scholar, Charlotte Morrison, and Harvard law grad, Kristen Nelson. The more they investigated, the more they found rampant sexual at Tutwiler, including rape by prison guards that led to pregnancy. EJI filed a complaint to the Department of Justice and got media coverage. This ultimately led to legislative hearing, and policy and staff changes at Tutwiler. Marsha’s case ultimately was a long hard battle of appeal all the way to the Alabama Supreme Court. After 10 years, she was finally declared innocent and free. In an NYC fundraiser for EJI, she spoke beautifully about her gratitude and freedom, but also the need to keep helping all the women still in prison.



## Chapter 13: Recovery

Walter's release is met with great media attention, including a cover story on the New York Times, documentaries, and coverage in books. While not always ideal, Stevenson feels that media coverage may help change opinion in Monroe County and make Walter's reintegration easier. For safety reasons, Walter spent his first week free in Montgomery, and then 2 months with a relative in Florida. Walter then moves back to Monroe County, and they file a civil lawsuit for compensation. Without his knowledge or buy-in, a local legislature proposes compensation bill, but this goes nowhere, as press local press wrongly reports Walter was seeking \$9 million. As a result, friends and family start asking Walter for money and one woman even wrongly accuses of having his baby and needing the pay child support. Walter has to struggle to explain to all these individuals that he has no money.

Walter's civil suit faces hurdles of judicial and prosecutorial immunity. Walter's case even had the help of Rob McDuff, a respected and charming white Southern litigator, who is a friend of Stevenson. The case goes all the way to the Supreme Court. Stevenson describes another high profile Supreme Court case where John Thompson was held 14 years on death row until he was exonerated by DNA evidence. The jury awarded him \$14 million but the Supreme Court overruled the decision in a bitterly divided 5-4 ruling. The Court ruled that a prosecutor cannot be held liable for misconduct, even if they intentionally and illegally withheld information. Walter's case was also a bitterly divided 5-4 ruling that did not hold the officials accountable. Instead, Walter gets a settlement of a few hundred thousand dollars. The Supreme Court ruled that Sheriff Tate was not a "county" employee, but a "State" employee, which granted him special immunity. Even worsening the blow, Sheriff Tate was re-elected as sheriff.

Walter loves returning to the outdoors to cut trees, but he has a bad accident that breaks his neck. After recovery, he can't return to tree cutting, so he starts a car junk-part business, fixing and reselling car parts. In the late 1990s more attention emerged on the injustice of the death penalty. Walter travels with Stevenson to conferences and to NYU where Stevenson now teaches. In 2003, Illinois governor George Ryan, a Republican, commuted all death row sentences citing the unreliability of convictions evidenced by recent DNA testing. As Walter's junk-part business is in financial trouble, they agree to travel more together.

At this time EJI also faced financial trouble. When a conservative majority took charge of Congress in 1994, they cut federal funding to legal aid to death row inmates. This led to the need to do more fundraising. EJI also got an award for Sweden's Olof Palme International Human Rights Award. Walter passed on going to Sweden, so Stevenson went alone, but Walter would be interviewed by a Swedish crew, visiting him in Monroe County.

Stevenson goes to Stockholm to accept the reward. He recalls traveling to Brazil and its *favelas* and all the poor who wanted to talk to him and tell their story. He draws on the global feeling of compassion beyond borders. In Stockholm, he's taken to speak at a high school auditorium to

several hundred students. After speaking, the students express their gratitude through choir students spontaneously standing up and signing a song. It is a transcendent experience for Stevenson as he looks up at the ceiling painted with angels, and Stevenson fights to maintain his composure.

Back at his hotel room in Stockholm, Stevenson sees Walter on the local Swedish news in the interview he helped arrange. Walter is broken, saying he lost everything: 6 years of his life, his reputation, wife, everything. "It's rough, it's rough, man. It's rough." Stevenson is stunned and knows it is time to go back to Alabama.

## Chapter 14: Cruel and Unusual

Joe Sullivan is a 13 year old African American boy when he commits burglary with 2 older boys. Later that same day, the woman who was burglarized by Joe and the boys was also raped in her home by a stranger. The two older boys wrongly accused Joe and Joe is tried as an adult in Florida where there is no minimum age to try a child as an adult. Joe's lawyer presents no defense despite Joe adamantly denying the rape. He is sentenced after a 1-day trial. Joe's probation officer noted that Joe had potential to be a positive and upright individual, but that he was a follower, associating with the wrong crowd. The court however branded him as a serial or violent recidivist for his history of misdemeanor property crimes. He was sentenced to life in prison without parole.

In prison, Joe is raped and sexually assaulted in an 18 year nightmare. He even develops M.S. which doctors attribute likely to his trauma. A cellmate of his writes EJI and Stevenson begins correspondence to help him.

Joe is held in Santa Rosa County in Florida, where incarceration is big business. The prison industrial complex burgeoned in the 90s. Between 1900 and 2015, one new prison was built every 10 days. Tons of lobbying money fueled the expansion. Terribly, prisons became an answer to healthcare problems like drug addiction, poverty and writing bad checks, the poor and the mentally ill, and immigration. This sustained the fear and anger that fueled mass incarceration.

Stevenson visits Joe in prison where he is caged in a tiny cell so small that the guards struggle to Joe and his wheelchair out. It's apparent that Joe has mental disabilities. He asks very childish questions of Bryan, like what his favorite color or cartoon character is. All the while though, he has a surprising amount of cheerfulness in seeing Bryan.

EJI begins opening many cases in many states to challenge life without parole sentences of children as unconstitutional. Many of the children earlier described in the book are included in these cases. Stevenson also discusses the case of Ashley Jones, who killed two family

members in an abusive household, and Evan Miller, who murdered a neighbor. Stevenson is struck by the irony that unlike those committing crime as adults, as many of these children grow older, they mature and deeply regret what they did.

When Stevenson was 16 years old his 86 year-old grandfather was senselessly murdered by teenagers stealing a TV from his home. They family is shocked, as it the teenagers could have easily stolen everything without killing Stevenson's elderly grandfather. Stevenson would later learn through his work of the difficult lives these children have to endure and the immaturity of their brain and adolescence that leads to especially poor judgment. Stevenson's team would argue that psychological and emotional vulnerabilities of adolescence, when coupled with environments of abuse, neglect, poverty, and absence of loving caretakers, led to the extremely poor decision making that leads to tragic violence. Stevenson's team would ultimately focus their claims of cruel and unusual punishment on children 13 and 14, and children convicted of non-homicides, but who were nonetheless convicted of life in prison without parole.

Joe Sullivan's case and that of Terrance Graham (another juvenile non-homicide sentence to life in prison) are taken by EJI to the Supreme Court. They received a lot of media attention and got an eclectic outpouring of support. This included former Republican Senator Alan Simpson who was once a childhood delinquent with multiple convictions before turning his life around. Other support came from psychological and psychiatric associations, social workers, civil rights groups, human rights groups, former juvenile defenders active in reform, and even former African child soldiers now living and studying in US colleges.

Stevenson goes to the Supreme Court for oral arguments. He argues that condemning children to die in prison violates international law and that it is cruel to condemn a 13 year old to die in prison. He is unsure how his argument is received by the Supreme Court.

Joe is excited by the attention the case got but other prisoners start making fun of him and treating him more harshly. Stevenson visits him after oral arguments. Joe recites a poem a prison guard helped him write, but he can't remember the last line. He struggles for it but then just starts laughing, and Stevenson can't help but laugh with him. Stevenson reflects on how amazing it was that even with all his life trauma, Joe could still laugh.

## Chapter 15: Broken

Walter's health declines quickly, as he gets advancing dementia. Stevenson painfully visits Walter in the hospital and doctors say his condition was likely trauma induced. Walter in his delusion, thinks he's back on death row.

Across the US rates of executions were doing down by 2010, though Alabama did not keep with this trend. Many states had even eliminated capital punishment. EJI argued that lethal injection is cruel and unusual, describing the case of David Nelson, a former drug addict, who required

having a 2 inch incision to reach his veins, all without anaesthesia. Unfortunately, the US Supreme Court ruled that drug combinations in lethal injections were constitutional, leading to many executions scheduled in Alabama in a short window of time. It was especially exhausting for Stevenson and EJI, as they were juggling all the impending death row executions in Alabama with all the children without parole cases across the US, as well as Walter's worsening condition.

The execution case of Jimmy Dill came at this difficult time for Stevenson. Dill had intellectual disabilities and badly stuttered. Despite EJI's stay requests going to the Supreme court, the request is denied and Stevenson has to tell Dill over the phone the bad news just shortly before his execution. On the phone, Dill is stuttering badly. Dill's stuttering in that moment brings back to Stevenson a childhood memory, where he laughed at a young boy stuttering, but was immediately reprimanded by his mother and made to apologize, hug him, and say "I love you." When he did this the boy effortlessly whispered back in Stevenson's ear, "I love you, too." Stevenson starts crying as he listens to Dill. He thinks how tragic that he would never have been convicted of capital murder if had the money for a decent lawyer, and none of this would pass if they had investigated and considered his past and intellectual disability.

Feeling completely exhausted, Stevenson began to wonder if he was a fool to try to fix a system so fatally broken. He thought, "It's time to stop. I can't do this anymore." Stevenson realized for the first time that his life was full of brokenness. He worked in a broken system of justice where his clients were broken by mental illness, poverty, and racism. Stevenson felt that he does what he does because he too is broken, and that he can't fight a broken system without being broken by it. But Stevenson then reflects that we are all broken in some way; we've been hurt by others and we've hurt others. There is common humanity in this brokenness, as the quotes Paul Farmer once quoting Thomas Merton: "We are bodies of broken bones." Stevenson says, "Our shared vulnerability and imperfection nurtures and sustains our capacity for compassion." We have a choice to either embrace our humanity and compassion or deny it.

Stevenson then reflects on what he often told his clients: that each of us is more than the worst thing we've ever done. Someone is not *just* a liar, *just* a thief, *just* a killer. Understanding our common brokenness creates and shows the need for mercy. Experiencing mercy opens you to see things you otherwise can't see by recognizing the humanity in all of us. In reflecting on this, Stevenson feels stronger. He feels that if we acknowledged our brokenness we wouldn't take pride in executing the vulnerable or in mass incarceration. He then remembers as a college student, his church minister saying "Make me to hear joy and gladness, that the bones which thou hast broken may rejoice." He realizes he never truly appreciated these words till this night of the Jimmy Dill's execution.

When Stevenson first moved to Montgomery, he had the privilege of meeting Rosa Parks. Stevenson was invited to listen to Rosa Parks speak with Ms. Johnnie Carr and Ms. Virginia Durr, all active in the civil rights movement and still passionate about the movement in their elder years. Rosa Parks asks Bryan what he does and after he explains at length what EJI

does, she says, “All that’s going to make you tired, tired, tired.” Ms. Carr responds “that’s why you’ve got to be brave, brave, brave,” to which all the women agree in a powerful silence.

Soon after Dill’s execution later that evening, Stevenson brushes off the “foolishness about quitting” and sees it’s time to be brave. He accepts an invitation to speak at a poor school, where a teacher wanted Stevenson to be a source of hope and a role model for the kids.

Stevenson reflects on his drive home that even as we’re caught in a web of brokenness and hurt, we’re also in a web of healing and mercy. Stevenson thinks of the speech-impaired kid who hugged him when he didn’t deserve it, and reflects that the power of just mercy is that it belongs to the undeserving. “It’s when mercy is least expected that it’s most potent--strong enough to break the cycle of victimization and victimhood, retribution and suffering.”

## Chapter 16: The Stonecatchers’ Song of Sorrow

In 2010, the Supreme Court ruled that life imprisonment without parole for children is cruel and unusual and unconstitutional. In 2012, the court banned mandatory life without parole sentences on children convicted of homicides. This is great news as this reduces sentences for thousands of people including many described in this book. Death penalty work also takes a hopeful turn, as the number of death row inmates who win relief in Alabama reaches 100. Additionally, the number of death row sentences reached a record low. But still some challenges remain, like the case of Anthony Ray Hinton who was innocent but had been on death row for 30 years.

EJI begins a public education initiative on race and poverty. Stevenson says that to understand racial injustice today we need to understand 4 institutions. First is slavery. Second is the reign of terror between post Reconstruction and WWII, which constituted lynching, bombing, and convict leasing (a practice whereby blacks were wrongly convicted of nonsensical crimes and then “leased” for free labor, effectively making them slaves again.) Third is “Jim Crow,” the legalized racial segregation and suppression of rights, including pervasive racial profiling persistent till today. Fourth is mass incarceration and its racial disparities, voter disenfranchisement, and barriers to re-entry that must be understood through the lens of racial history.

EJI began to attract a stellar group of lawyers and fellows. With new Supreme Court rulings they increased their docket immensely to try to help all the prisoners who were entitled to reduced sentences under the ruling. EJI created a “re-entry” program to help former inmates adjust and succeed in transitioning back into society. EJI also took on all juvenile lifers in Louisiana’s notorious Angola prison. EJI and Stevenson first focused on Angola inmates Joshua Carter and Robert Catson. Both were in prison for 45-50 years for non-homicide crimes committed as juveniles. Robert Catson finally was released; when the judge announced his

release, the entire courtroom became silent and then erupted into applause, a site Stevenson had never witnessed.

After the hearing, Stevenson greets an elderly woman who was present at the two cases. It turned out she wasn't a relative of either person. Her grandson was murdered years ago and on the day of sentencing of the boys who committed the murder a kind stranger was there for her to learn on as she cried. She kept coming to the courthouse to be of help to all those caught in the web of pain, to be someone others can lean on. She said she wanted to catch some of the stones people cast at each other.

Stevenson chuckles at the stonecatcher reference. In the Walter MacMillan case, he once spoke at a black church where some were muted in their support because of Walter's adultery. But Stevenson reminded them of Jesus' teaching of "Let he who is without sin cast the first stone." Stevenson and the elder woman joke that they are stonecatchers and that you can't catch stones without being hurt and appreciating a good sorrow song. She then says "But you keep singing. Your song will make you strong. They might even make you happy."

## Epilogue

Walter died on September 11, 2013. He remained charming and kind till the end, despite his worsening dementia. Walter's funeral was held at the same church where Stevenson spoke some 20 years earlier about casting and catching stones.

Stevenson recalls some of the questions Walter posed when on death row. He asked Stevenson if he ever thought about dying. Walter said he thought about it all the time once he got on death row. He reflected that dying on a court or prison schedule is not right, but that people should die on God's schedule.

Stevenson told the congregation at Walter's memorial that Walter was like a brother to him. He said he was brave to weather the terrible injustices cast upon him. Stevenson said that though he didn't survive without injury or trauma, he came out with dignity, a triumph and accomplishment worth celebrating and remembering. Stevenson said that Walter's case made clear the need to reform a criminal justice system where you're treated better if you're rich and guilty than if poor and innocent. He said the question of the death penalty is not if people deserve to die for the crimes they commit, but *do we deserve to kill?*

Stevenson concludes that "Walter taught me that mercy is just when it is rooted in hopefulness and freely given. Mercy is most empowering, liberating, and transformative when it is directed at the undeserving. The people who haven't earned it, who haven't even sought it, are the most meaningful recipients of our compassion."

## Postscript

In 2015, Anthony Ray Hinton was released and declared innocent after serving roughly 30 years on death row. He spent most of it in solitary confinement and had arrived on death row *before* Walter McMillan. He was held for 15 years after test results confirmed his innocence in 2000 because prosecutors refused to retest the evidence.

There are positive and ongoing developments since the 2010 Supreme Court ruling banning life imprisonment without parole for children convicted of non-homicide crimes. Hundreds have been resentenced and dozens already released, including Ian Manuel and Antonio Nunez. Work continues on winning the immediate release of Joe Sullivan and Trina Garnett. Charlie and Marsha Colbey are doing well and Henry is no longer on Georgia's death row.

Stevenson ends by saying, "I continue to meet stonecatchers along the way who inspire me and make me believe that we can do better than we've done for the accused, convicted, and condemned among us--as well as those who are victimized by crime and violence--and that all of us can do better for one another. The work continues."