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Just Mercy

A STORY OF JUSTICE
AND REDEMPTION

Bryan Stevenson

"Every bit as moving as *To Kill a Mockingbird*,
and in some ways more so . . . a stirring testament
to the salvation that fighting for the vulnerable
sometimes yields."

—*The New York Review of Books*

Chapter Two

Stand

After spending the first year and a half of my legal career sleeping on Steve Bright's living room couch in Atlanta, it was time to find an apartment of my own. When I'd started working in Atlanta, staff were scrambling to handle one crisis after another. I was immediately thrown into litigation with pressing deadlines and didn't have time to find a place to live—and my \$14,000 annual salary didn't leave me with much money for rent—so Steve kindly took me in. Living in Steve's small Grant Park duplex allowed me to question him nonstop about the complex issues and challenges our cases and clients presented. Each day we dissected big and small issues from morning until midnight. I loved it. But when a law school classmate, Charles Bliss, moved to Atlanta for a job with the Atlanta Legal Aid Society, we realized that if we pooled our meager salaries, we could afford a low-rent apartment. Charlie and I had started at Harvard Law School together and had lived in the same dorm as first-year students. He was a white kid from North Carolina who seemed to share my confusion about what we were experiencing during law school. We frequently retreated to the school gym to play basketball and to try to make sense of things.

Charlie and I found a place near Atlanta's Inman Park. After a year, a rent increase forced us to move to the Virginia Highlands section of the city, where we stayed for a year before another rent increase sent us to Midtown Atlanta. The two-bedroom apartment we shared in Midtown was the nicest place in the nicest neighborhood we'd yet found. Because of my growing caseload in Alabama, I didn't get to spend much time there.

My plan for a new law project to represent people on death row in Alabama was starting to take shape. My hope was to get the project off the ground in Alabama and eventually return to Atlanta to live. My docket of new death penalty cases in Alabama meant I was working insane hours driving back and forth from Atlanta and simultaneously trying to resolve several prison condition cases I had filed in various Southern states.

Conditions of confinement for prisoners were getting worse everywhere. In the 1970s, the Attica Prison riots drew national attention to horrible prison abuses. The takeover of Attica by inmates allowed the country to learn about cruel practices within prisons such as solitary confinement, where inmates are isolated in a small confined space for weeks or months. Prisoners in some facilities would be placed in a "sweatbox," a casket-sized hole or a box situated where the inmate would be forced to endure extreme heat for days or weeks. Some prisoners were tortured with electric cattle prods as punishment for violations of the prison's rule. Inmates at some facilities would be chained to "hitching posts," their arms fastened above their heads in a painful position where they'd be forced to stand for hours. The practice, which wasn't declared unconstitutional until 2002, was one of many degrading and dangerous punishments imposed on incarcerated people. Terrible food and living conditions were widespread.

The death of forty-two people at the end of the Attica standoff exposed the danger of prison abuse and inhumane conditions. The increased attention also led to several Supreme Court rulings that provided basic due process protections for imprisoned people. Wary of potential violence, several states implemented reforms to eliminate

the most abusive practices. But a decade later, the rapidly growing prison population inevitably led to a deterioration in the conditions of confinement.

We were getting scores of letters from prisoners who continued to complain about horrible conditions. Prisoners reported that they were still being beaten by correctional staff and subjected to humiliation in stockades and other degrading punishments. An alarming number of cases came to our office involving prisoners who had been found dead in their cells.

I was working on several of these cases, including one in Gadsden, Alabama, where jail officials claimed that a thirty-nine-year-old black man had died of natural causes after being arrested for traffic violations. His family maintained that he was beaten by police and jail officials who then denied him his asthma inhaler and medication despite his begging for it. I'd spent a lot of time with the grief-stricken family of Lourida Ruffin and heard what an affectionate father he had been, how kind he had been, and how people had assumed things about him that weren't true. At six feet five inches tall and over 250 pounds, he could seem a little intimidating, but his wife and mother insisted that he was sweet and gentle.

Gadsden police had stopped Mr. Ruffin one night because they said his car was swerving. Police discovered that his license had expired a few weeks earlier, so he was taken into custody. When he arrived at the city jail badly bruised and bleeding, Mr. Ruffin told the other inmates that he had been beaten terribly and was desperately in need of his inhaler and asthma medication. When I started investigating the case, inmates at the jail told me they saw officers beating Mr. Ruffin before taking him to an isolation cell. Several hours later they saw medical personnel remove his body from the cell on a gurney.

Despite the reforms of the 1970s and early 1980s, inmate death in jails and prisons was still a serious problem. Suicide, prisoner-on-prisoner violence, inadequate medical care, staff abuse, and guard violence claimed the lives of hundreds of prisoners every year.

I soon received other complaints from people in the Gadsden com-

munity. The parents of a black teenager who had been shot and killed by police told me that their son had been stopped for a minor traffic violation after running a red light. Their young son had just started driving and became very nervous when the police officer approached him. His family maintained that he reached down to the floor where he kept his gym bag to retrieve his newly issued driver's license. The police claimed he was reaching for a weapon—no weapon was ever found—and the teen was shot dead while he sat in his car. The officer who shot the boy said that the teen had been menacing and had moved quickly, in a threatening manner. The child's parents told me their son was generally nervous and easily frightened but was also obedient and would never have hurt anyone. He was very religious and a good student, and he had the kind of reputation that allowed the family to persuade civil rights leaders to push for an investigation into his death. Their pleas reached our office, and I was looking into the case along with the jail and prison cases.

Figuring out Alabama civil and criminal law while managing death penalty cases in several other states kept me very busy. The additional prison conditions litigation meant a lot of long-distance driving and extremely long hours. My weathered 1975 Honda Civic was struggling to keep up. The radio had stopped working consistently a year earlier; it would come to life only if I hit a pothole or stopped suddenly enough to violently shake the car and spark a connection.

After making the three-hour drive back from Gadsden earlier in the day and heading straight to the office, it was once again approaching midnight as I left the office for home. I got in my car, and to my delight the radio came on as soon as I turned the ignition. In just over three years of law practice I had become one of those people for whom such small events could make a big difference in my joy quotient. On this late night, not only was my radio working but the station was also hosting a retrospective on the music of Sly and the Family Stone. I'd grown up listening to Sly and found myself rolling joyfully through the streets of Atlanta to tunes like "Dance to the Music," "Everybody Is a Star," and "Family Affair."

Our Midtown Atlanta apartment was on a dense residential street. Some nights I had to park halfway down the block or even around the corner to find a space. But tonight I was lucky: I parked my rattling Civic just steps from our new front door just as Sly was starting "Hot Fun in the Summertime." It was late, and I needed to get to bed, but the moment was too good to let pass, so I remained in the car listening to the music. Each time a tune ended I told myself to go inside, but then another irresistible song would begin, and I would find myself unable to leave. I was singing along to "Stand!" the soaring Sly anthem with the great gospel-themed ending, when I saw a flashing police light approaching. I was parked a few doors up from our apartment, so I assumed that the officers would drive by in pursuit of some urgent mission. When they came to a stop twenty feet in front of me, I wondered what was going on.

Our section of the street only ran one way. My parked car was facing in the proper direction; the police car had come down the street in the wrong direction. I noticed for the first time that it wasn't an ordinary police cruiser but one of the special Atlanta SWAT cars. The officers had a spotlight attached to their vehicle, and they directed it at me sitting in my car. Only then did it occur to me that they might be there for me, but I couldn't imagine why. I had been parked on the street for about fifteen minutes listening to Sly. Only one of my car speakers worked and not very well. I knew the music couldn't be heard outside the car.

The officers sat there with their light pointed at me for a minute or so. I turned off the radio before "Stand!" was over. I had case files on my car seat about Lourida Ruffin and the young man who had been shot in Gadsden. Eventually two police officers got out of their vehicle. I noticed immediately that they weren't wearing the standard Atlanta police uniform. Instead they were ominously dressed in military style, black boots with black pants and vests.

I decided to get out of my car and go home. Even though they were intensely staring at me in my car, I was still hoping that they were in the area for something unrelated to me. Or if they were concerned

that something was wrong with me, I figured I would let them know that everything was okay. It certainly never occurred to me that getting out of my car was wrong or dangerous.

As soon as I opened my car door and got out, the police officer who had started walking toward my vehicle drew his weapon and pointed it at me. I must have looked completely bewildered.

My first instinct was to run. I quickly decided that wouldn't be smart. Then I thought for an instant that maybe these weren't real police officers.

"Move and I'll blow your head off!" The officer shouted the words, but I couldn't make any sense of what he meant. I tried to stay calm; it was the first time in my life anyone had ever pointed a gun at me.

"Put your hands up!" The officer was a white man about my height. In the darkness I could only make out his black uniform and his pointed weapon.

I put my hands up and noticed that he seemed nervous. I don't remember deciding to speak, I just remember the words coming out: "It's all right. It's okay."

I'm sure I sounded afraid because I was terrified.

I kept saying the words over and over again. "It's okay, it's okay." Finally I said, "I live here, this is my apartment."

I looked at the officer who was pointing the gun at my head less than fifteen feet away. I thought I saw his hands shaking.

I kept saying as calmly as I could: "It's okay, it's okay."

The second officer, who had not drawn his weapon, inched cautiously toward me. He stepped on the sidewalk, circled behind my parked car, and came up behind me while the other officer continued to point the gun at me. He grabbed me by the arms and pushed me up against the back of my car. The other officer then lowered his weapon.

"What are you doing out here?" said the second officer, who seemed older than the one who had drawn his weapon. He sounded angry.

"I live here. I moved into that house down the street just a few months ago. My roommate is inside. You can go ask him." I hated how afraid I sounded and the way my voice was shaking.

"What are you doing out in the street?"

"I was just listening to the radio." He placed my hands on the car and bent me over the back of the vehicle. The SWAT car's bright spotlight was still focused on me. I noticed people up the block turning on their lights and peering out of their front doors. The house next to ours came to life, and a middle-aged white man and woman walked outside and stared at me as I was leaned over the vehicle.

The officer holding me asked me for my driver's license but wouldn't let me move my arms to retrieve it. I told him that it was in my back pocket, and he fished my wallet out from my pants. The other officer was now leaning inside my car and going through my papers. I knew that he had no probable cause to enter my vehicle and that he was conducting an illegal search. I was about to say something when I saw him open the glove compartment. Opening objects in a parked vehicle was so incredibly illegal that I realized he wasn't paying any attention to the rules, so saying something about it would be pointless.

There was nothing interesting in my car. There were no drugs, no alcohol, not even tobacco. I kept a giant-size bag of peanut M&Ms and Bazooka bubble gum in the glove compartment to help stave off hunger when I didn't have time for a meal. There were just a few M&Ms left in the bag, which the officer inspected carefully. He put his nose into the bag before tossing it back. I wouldn't be eating those M&Ms.

I had not lived at our new address long enough to get a new driver's license, so the address on my license didn't match the new location. There was no legal requirement to update the driver's license, but it prompted the officer to hold me there for another ten minutes while he went back to his car to run a search on me. My neighbors grew bolder as the encounter dragged on. Even though it was late, people were coming out of their homes to watch. I could hear them talking about all the burglaries in the neighborhood. There was a particularly vocal older white woman who loudly demanded that I be questioned about items she was missing.

"Ask him about my radio and my vacuum cleaner!" Another lady asked about her cat who had been absent for three days. I kept waiting

for my apartment light to come on and for Charlie to walk outside and help me out. He had been dating a woman who also worked at Legal Aid and had been spending a lot of time at her house. It occurred to me that he might not be home.

Finally, the officer returned and spoke to his partner: "They don't have anything on him." He sounded disappointed.

I found my nerve and took my hands off the car. "This is so messed up. I live here. You shouldn't have done this. Why did you do this?"

The older officer frowned at me. "Someone called about a suspected burglar. There have been a lot of burglaries in this neighborhood." Then he grinned. "We're going to let you go. You should be happy," he said.

With that, they walked away, got in their SWAT car, and drove off. The neighbors looked me over one last time before retreating back into their homes. I couldn't decide whether I should race to my door so that they could see that I lived in the neighborhood or wait until they were all gone so that no one would know where the "suspected criminal" lived. I decided to wait.

I gathered up my papers, which the cop had scattered all over the car and onto the sidewalk. I unhappily threw my M&Ms into a trash can on the street and then walked into my apartment. To my great relief, Charlie was there. I woke him to tell the story.

"They never even apologized," I kept saying. Charlie shared my outrage but soon fell back asleep. I couldn't sleep at all.

The next morning I told Steve about the incident. He was furious and urged me to file a complaint with the Atlanta Police Department. Some folks in the office said I should explain in my complaint that I was a civil rights attorney working on police misconduct cases. It seemed to me that no one should need those kinds of credentials to complain about misconduct by police officers.

I started writing my complaint determined not to reveal that I was an attorney. When I replayed the whole incident in my mind, what bothered me most was the moment when the officer drew his weapon and I thought about running. I was a twenty-eight-year-old lawyer

who had worked on police misconduct cases. I had the judgment to speak calmly to the officer when he threatened to shoot me. When I thought about what I would have done when I was sixteen years old or nineteen or even twenty-four, I was scared to realize that I might have run. The more I thought about it, the more concerned I became about all the young black boys and men in that neighborhood. Did they know not to run? Did they know to stay calm and say, "It's okay"?

I detailed all of my concerns. I found Bureau of Justice statistics reporting that black men were eight times more likely to be killed by the police than whites. By the end of the twentieth century the rate of police shootings would improve so that men of color were "only" four times more likely to be killed by law enforcement, but the problem would get worse as some states passed "Stand Your Ground" laws empowering armed citizens to use lethal force as well.

I kept writing my memo to the Atlanta Police Department and before I knew it I had typed close to nine pages outlining all the things I thought had gone wrong. For two pages I detailed the completely illegal search of the vehicle and the absence of probable cause. I even cited about a half-dozen cases. I read over the complaint and realized that I had done everything but say, "I'm a lawyer."

I filed my complaint with the police department and tried to forget about the incident, but I couldn't. I kept thinking about what had happened. I began to feel embarrassed that I hadn't asserted more control during the encounter. I hadn't told the officers I was a lawyer or informed them that what they were doing was illegal. Should I have said more to them? Despite the work I'd done assisting people on death row, I questioned how prepared I was to do really difficult things. I even started having second thoughts about going to Alabama to start a law office. I couldn't stop thinking about how at risk young kids are when they get stopped by the police.

My complaint made it through the review process at the Atlanta Police Department. Every few weeks I'd get a letter explaining that the police officers had done nothing wrong and that police work is very difficult. I appealed these dismissals unsuccessfully up the chain

of command. Finally, I requested a meeting with the chief of police and the police officers who had stopped me. This request was denied, but the deputy chief met with me. I had asked for an apology and suggested training to prevent similar incidents. The deputy chief nodded politely as I explained what had happened. When I finished, he apologized to me, but I suspected that he just wanted me to leave. He promised that the officers would be required to do some "extra homework on community relations." I didn't feel vindicated.

My caseload was getting crazy. The lawyers defending the Gadsden City Jail finally acknowledged that Mr. Ruffin's rights had been violated and that he had been illegally denied his asthma medicine. We won a decent settlement for Mr. Ruffin's family, so they would at least receive some financial help. I turned the other police misconduct cases over to other lawyers because my death penalty docket was so full.

I had no time to make war with the Atlanta Police when I had clients facing execution. Still, I couldn't stop thinking about how dangerous and unfair the situation was and how I'd done nothing wrong. And what if I had had drugs in my car? I would have been arrested and then would have needed to convince my attorney to believe me when I explained that the police had entered the car illegally. Would I get an attorney who would take such a claim seriously? Would a judge believe that I'd done nothing wrong? Would they believe someone who was just like me but happened not to be a lawyer? Someone like me who was unemployed or had a prior criminal record?

I decided to talk to youth groups, churches, and community organizations about the challenges posed by the presumption of guilt assigned to the poor and people of color. I spoke at local meetings and tried to sensitize people to the need to insist on accountability from law enforcement. I argued that police could improve public safety without abusing people. Even when I was in Alabama, I made time for talks at community events whenever anyone asked.

I was in a poor rural county in Alabama after another trip to pull records in a death penalty case when I was invited to speak at a small African American church. Only about two dozen people showed up.

One of the community leaders introduced me, and I went to the front of the church and began my talk about the death penalty, increasing incarceration rates, abuse of power within prisons, discriminatory law enforcement, and the need for reform. At one point, I decided to talk about my encounter with the police in Atlanta, and I realized that I was getting a bit emotional. My voice got shaky, and I had to rein myself in to finish my remarks.

During the talk, I noticed an older black man in a wheelchair who had come in just before the program started. He was in his seventies and was wearing an old brown suit. His gray hair was cut short with unruly tufts here and there. He looked at me intensely throughout my presentation but showed no emotion or reaction during most of the talk. His focused stare was unnerving. A young boy who was about twelve had wheeled him into the church, probably his grandson or a relative. I noticed that the man occasionally directed the boy to fetch things for him. He would wordlessly nod his head, and the boy seemed to know that the man wanted a fan or a hymnal.

After I finished speaking, the group sang a hymn to end the session. The older man didn't sing but simply closed his eyes and sat back in his chair. After the program, people came up to me; most folks were very kind and expressed appreciation for my having taken the time to come and talk to them. Several young black boys walked up to shake my hand. I was pleased that people seemed to value the information I shared. The man in the wheelchair was waiting in the back of the church. He was still staring at me. When everyone else had left, he nodded to the young boy, who quickly wheeled him up to me.

The man's expression never changed as he approached me. He stopped in front of me, leaned forward in his wheelchair, and said forcefully, "Do you know what you're doing?" He looked very serious, and he wasn't smiling.

His question threw me. I couldn't tell what he was really asking or whether he was being hostile. I didn't know what to say. He then wagged his finger at me, and asked again. "Do you know what you're doing?"

I tried to smile to defuse the situation but I was completely baffled. "I think so. . . ."

He cut me off and said loudly, "I'll tell you what you're doing. You're beating the drum for justice!" He had an impassioned look on his face. He said it again emphatically, "You've got to beat the drum for justice."

He leaned back in his chair, and I stopped smiling. Something about what he said had sobered me. I answered him softly, "Yes, sir."

He leaned forward again and said hoarsely, "You've got to keep beating the drum for justice." He gestured and after a long while said again, "Beat the drum for justice."

He leaned back, and in an instant he seemed tired and out of breath. He looked at me sympathetically and waved me closer. I did so, and he pulled me by the arm and leaned forward. He spoke very quietly, almost a whisper, but with a fierceness that was unforgettable.

"You see this scar on the top of my head?" He tilted his head to show me. "I got that scar in Greene County, Alabama, trying to register to vote in 1964. You see this scar on the side of my head?" He turned his head to the left and I saw a four-inch scar just above his right ear. "I got that scar in Mississippi demanding civil rights."

His voice grew stronger. He tightened his grip on my arm and lowered his head some more. "You see that mark?" There was a dark circle at the base of his skull. "I got that bruise in Birmingham after the Children's Crusade."

He leaned back and looked at me intensely. "People think these are my scars, cuts, and bruises."

For the first time I noticed that his eyes were wet with tears. He placed his hands on his head. "These aren't my scars, cuts, and bruises. These are my medals of honor."

He stared at me for a long moment, wiped his eyes, and nodded to the boy, who wheeled him away.

I stood there with a lump in my throat, staring after him.

After a moment, I realized that the time to open the Alabama office had come.

Chapter Three

Trials and Tribulation

After months of frustration, failure, and growing public scorn, Sheriff Thomas Tate, ABI lead investigator Simon Benson, and the district attorney's investigator, Larry Ikner, decided to arrest Walter McMillian based primarily on Ralph Myers's allegation. They hadn't yet done much investigation into McMillian, so they decided to arrest him on a pretextual charge while they built their case. Myers claimed to be terrified of McMillian; one of the officers suggested to Myers that McMillian might have sexually assaulted him; the idea was so provocative and inflammatory that Myers immediately recognized its usefulness and somberly acknowledged that it was true. Alabama law had outlawed nonprocreative sex, so officials planned to arrest McMillian on sodomy charges.

On June 7, 1987, Sheriff Tate led an army of more than a dozen officers to a back-country road that they knew Walter would use on his return home from work. Officers stopped Walter's truck and drew their weapons, then forced Walter from his vehicle and surrounded him. Tate told him he was under arrest. When Walter frantically asked the sheriff what he had done, the sheriff told him that he was being charged with sodomy. Confused by the term, Walter told the sheriff