

Just Mercy Discussion Guide

By Dominique Gilliard, author of [*Rethinking Incarceration*](#)

The film *Just Mercy* provocatively beckons all, especially the US church, to confront the unjust nature of our nation's criminal justice system. The film provides a sobering glimpse into how race, class, and systemic sin inform culpability and judicial verdicts.

Upon graduating from Harvard Law School, Bryan Stevenson moved to Montgomery, Alabama where he opened a law firm to provide legal defense for those awaiting execution on death row. He had a plethora of lucrative career options to choose from, but instead of choosing a comfortable lifestyle, he elected to serve the "least of these." His faith inspired him to use his Ivy League education and to commit his life to serve a stigmatized population which most of society disregards.

Discussion Question #1:

How does Stevenson's countercultural understanding of vocation—God's call on each of our lives—challenge us to reconsider how we define success?

Dr. Martin Luther King also challenged Christians to reconsider how we define success when he said, "We are prone to judge success by the index of our salaries or the size of our automobiles rather than by the quality of our service and relationship to mankind."

I had the privilege of [interviewing](#) Bryan Stevenson and asked him about the significance of the timing of *Just Mercy*'s release. He responded, "This is a critical time in our nation's history. We've been so divided by the politics of fear and anger that it's easy to stop caring about things we should care about. It's easy to tolerate things we shouldn't tolerate."

Discussion Question #2:

After watching the film, consider how the politics of fear and anger have caused us to tolerate things within our criminal justice system that we should not have.

How have we stopped caring about our sisters and brothers who are victimized by our justice system?

Just Mercy illuminates Stevenson's relentless pursuit of truth and justice, commitments that led Archbishop Desmond Tutu to knight Stevenson as "America's Nelson Mandela" and enabled the [Equal Justice Institute](#) to successfully challenge more than 125 death row convictions since 1989.

Since 1973, 166 people in the US have been exonerated from death row. For every nine people executed, one person on death row has been exonerated. In 2018 alone, wrongly convicted people lost more than 1,600 years of their lives behind bars. Falsely incarcerated individuals who

are proven innocent through post-conviction DNA testing spend on average more than 14 years behind bars.

Severed from their family for years, stripped of the ability to establish themselves professionally, and traumatized within an inhumane system, these individuals reenter society violated by our criminal justice system. [The Innocence Project](#) says, “With no money, housing, transportation, health services, insurance, and in many cases a support system, plus a criminal record that is rarely cleared despite their innocence, the punishment lingers long after innocence has been proven. States have a responsibility to restore the lives of the wrongfully convicted to the best of their abilities.”

Discussion Question #3:

Do you think wrongfully convicted individuals should be fiscally compensated? Why or why not?

The median wage in the US in the fourth quarter of 2017 was \$44,564. If you believe that wrongfully convicted individuals should be fiscally compensated, *should falsely incarcerated people receive this, per year, at a bare minimum?*

The federal government, the District of Columbia, and thirty-three states have compensation statutes in some form to pay falsely incarcerated people. Seventeen states do not: Alaska, Arizona, Arkansas, Delaware, Georgia, Idaho, Indiana, Kentucky, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Wyoming. These are state-by-state [compensation laws](#).

Walter McMillian was convicted on the sole testimony of a witness, and this testimony was only legally permissible because it was corroborated by a second person. However, framing McMillian required certain law enforcement officers and state representatives to commit [suborning perjury](#) by intimidating two vulnerable people to give false testimony: 1) **Ralph Myers**: an impoverished man with mental health challenges, who also suffered from trauma-related psychological issues, and was serving thirty years for a murder. Myers was told that if he did not lie, he would be executed in the electric chair. 2) **Bill Hooks**: a man in jail awaiting a trial for burglary, he was bribed to corroborate Myers’s testimony against McMillian. In return for lying, Sherriff Tate arranged for Hooks to be released from jail and paid \$5,000.

Discussion Question #4:

How can we hold our criminal justice system accountable when people who are tasked with protecting our communities and executing justice abuse their power?

Other cases to be aware of: [Tulia Texas](#), [Kids for Cash](#), and [Katheryn Johnston](#)

Police brutality and intimidation have been longstanding problems in our nation. Violent encounters with authority figures who abuse their power have been proven to cause lifelong trauma, depression, and substance abuse issues.

Discussion Question #5:

How did you feel watching the scene where Stevenson is harassed, assaulted, and threatened by the police officer holding a gun to his head while the other officer rifled through his possessions and verbally intimidated him?

Bryan Stevenson says, “I think that the threshold question when it comes to the death penalty isn’t ‘Do people deserve to die for the crimes they’ve committed?’ I think the threshold question is, ‘Do we deserve to kill?’ If you have a system that treats you better if you’re rich and guilty; if you have a system defined by error, that’s made a lot of mistakes, that’s very unreliable; if you have a system compromised by bias against the poor or people of color, then I don’t think you deserve to kill.”

As Christians, we gather weekly to worship God, giving honor, praise, and glory to our Lord and Savior Jesus Christ. We declare the goodness of God through prayers, songs, and sermons. We thank God for the unceasing love, mercy, and grace that’s been extended to us, singing hymns of adoration and thanksgiving because nothing, no one, and no deed can separate us from the love of Christ.

But do we really believe this? Do we truly believe that no offense, sin, or crime, regardless of how heinous, can separate us from God’s love? If we soberly search our hearts, many of us question and doubt this. We wonder, “Can a person who has been convicted of mass murder, pedophilia, or human trafficking truly be transformed, redeemed, and reconciled to God?” While these are extreme examples, given that most incarcerated people are serving time for nonviolent offenses, this is still a vital question for the church to grapple with. We either believe that no one is beyond redemption, or we don’t. There’s no middle ground.

Christianity is predicated upon grace. Orthodoxy affirms that we are Christians because Jesus chose to pursue and save us while we were yet sinners. Jesus didn’t wait until without flaws. He embodied perfect, sacrificial love while we were yet enemies of God. Subsequently, the amazing grace that reconciled, restored, and redeemed us should be the hallmark of our lives as Christians, particularly patterning our disposition towards others standing in the need of grace.

Discussion Question #6:

How does this film, our faith, and the shocking rate of error regarding death row convictions, cause you to think about the death penalty?

One of the most sacred principles of our criminal justice system and democracy has been the fact that a defendant is innocent until proven guilty. This principle is violated today because of the prevalence of [pretrial detention](#)—which is anytime a person is detained before a trial. Walter McMillian was held before his trial and this was not an anomaly. Due to [cash bail](#), 75 percent of people in local jails are there not because they have been convicted of a crime, but because they cannot afford bail. Our nation spends \$14 billion annually holding people in jail cells who haven't been convicted of a crime. That's forty million dollars a day! (Watch this [TED Talk](#) for more details.)

Discussion Question #7

Why is pretrial detention legal? Why not end cash bail? Do you know about [Kalief Browder](#)?

Judge Robert E. Lee Key, Jr. abused his power to make sure Walter McMillian was not tried in his home county of Monroe, which was 40 percent black, but in Baldwin instead, a county that was only 13 percent black. McMillian's case involved racial profiling, the [suppression of evidence](#), and jury tampering.

When Sheriff Tom Tate took McMillian into custody in June 1987, more than six months after Ronda Morrison was killed, Tate was repeatedly told by McMillian that he was innocent. Upon hearing McMillian's alibi, Tate allegedly responded to McMillian, saying, "I don't give a damn what you say or what you do. I don't give a damn what your people say either. I'm going to put twelve people on a jury who are going to find your godd*mn black ass guilty." An overwhelmingly white jury sentenced McMillian to life in prison, but judge Key reinserted himself, overriding the jury and condemned McMillian to die. Because of these factors, McMillian said in a 1999 interview, "The only reason I'm here is because I had been messing around with a white lady and my son married a white lady."

Discussion Question #8:

Did white supremacy (the belief that white people are superior, and the structures that embolden, sustain, and legitimate this anti-gospel belief legislatively, socioeconomically, and culturally) inform this case?

While McMillian's extramarital affairs were intolerable and sinful, they were not illegal. The longstanding belief that racial mixing should be prohibited has cost hundreds, if not thousands, of people of color, particularly black males, their lives ([Emmett Till](#) being the quintessential example.) This racist belief undergirded McMillian's framing and our nation's history of [anti-miscegenation laws](#).

Discussion Question #9:

Watch the [60 Minutes](#) interview about Walter McMillian. How does this case make you challenge a) the notion that everyone behind bars deserves to be there, and b) that we ended overt racism within our justice system with the close of the Jim Crow era?

One of the most powerful scenes in the film occurs in the courtroom when Stevenson provides irrefutable evidence that Ralph Myers was forced to give a false testimony, and Myers affirms his evidence by recanting his sworn testimony. When the verdict comes down, the judge essentially disregards all of the evidence and still decides to rule against McMillian. At that moment, McMillian emotionally collapses in disbelief, weeping and wailing. McMillian's son, crushed by the broken nature of our criminal justice system, protests the verdict, pleads for justice, and is accosted and wrestled to the ground by law enforcement. Put yourself in the shoes of Minnie McMillian for a moment:

After confronting your husband's infidelity, the criminal justice system frames him for a murder that he didn't commit, strips him from your family, and you witness firsthand the court unjustly condemning your husband to death after being presented with evidence of his innocence. And now your son is apprehended and being taken into that same system!

Discussion Question #10: How do you hold it all together?

I concluded my interview with Stevenson by asking him what he hopes this film leaves the church wrestling with. He began his response by saying, "I hope it causes us to talk more about this need for redemption and grace to everyone. We can't be believers and be so hopeless about people who fall down. Life without parole is a hopeless sentence, and we impose that sentence upon people who are drug-addicted and drug-dependent; people who have made poor choices around money. There has to be more hopefulness in the way we think about any person's ability to recover, to be redeemed."

Discussion Question #11:

How does your faith inform your belief in redemption for those who have fallen down?

Stevenson concluded his response regarding what he hopes the film leaves the church wrestling with by saying, “We need to see people of faith in spaces where there’s a lot of despair and anguish, where there’s a lot of trauma and abuse. I can’t think of any place where that is more evident than in our jails and prisons. I want to see people of faith get reengaged. The Gospels talk about not only feeding the hungry and clothing the naked and providing shelter to the homeless, but also about going into the jails and prisons and standing with the accused. And we haven’t done that in a way that I think we should be. And I hope it still inspires a conversation that leads us into that place.”

Discussion Question #12:

What would it look like for your congregation to go into the jails and prisons and stand with the accused?

Spend some time reading and reflecting on Matthew 25: 31-46 and Hebrews 13:3.

Discussion Question #13:

When was the last time you visited a prison, jail, or detention center? All too often we try to “bring Jesus behind bars,” but Jesus is already there. What might God be trying to teach us when we are present behind bars? Did you realize that five of the books of the Bible were written in prison? (Colossians, Philemon, Ephesians, Philippians, and Revelation)

Mass incarceration will be halted only by a moral awakening. Citizens nationwide must refuse to remain silent while entire communities are stigmatized, targeted, and destroyed by a system preying on the “least of these”. As followers of Christ, we must ask what our faith calls us to in this unprecedented era of mass incarceration. Collectively and individually, we must contemplate what bearing witness to the gospel in this critical moment entails. We are not all called to the same thing, but we are all called to something. Every congregation and follower of Christ has a role to play!

Application Questions:

- 1. How might God be calling you to learn more about problems within our criminal justice system?*
- 2. What’s one tangible step you can take to get more engaged, or to help reform our justice system?*
- 3. Who else do you know that needs to see this film?*

Every Christian and congregation can be involved in one of [four ways](#): 1) Prevention, 2) Ministry to the incarcerated. 3) Walking alongside families with incarcerated loved ones, and 4) Reentry.