

Devil in the Grove Reading Questions

1. Charles Hamilton Houston said that “a lawyer’s either a social engineer or he’s a parasite on society.” What do you think he meant by this statement? Do you agree with it? Why or why not?
2. Attorney Maurice Weaver was described as “hotheaded” and a “lightning rod for white anger.” The book states that Marshall and Zephaniah Alexander Looby, enjoyed having Weaver around because the two Black attorneys were inherently polite and gracious in court.¹ What does the fact that Weaver was allowed the space to be angry and command respect in the courtroom say about both privilege and allyship?
3. How did so called “vigilante justice” play a role in the killing of Cordie Cheek? Are there any similarities between the circumstances that allowed for the killing of Cordie Cheek and the circumstances surrounding the recent killing of Ahmaud Arbery?
4. In 1949, Marshall established three rules for the types of criminal cases accepted by the NAACP Legal Defense Fund (LDF): (1) there is injustice because of race or color; (2) the defendant is innocent; (3) there is a possibility of establishing a precedent for the benefit of due process and equal protection in general and the protection of Black people’s rights in particular.

Why did Marshall feel that the LDF could not choose cases based on the premise that criminal defendants are innocent until they are proven guilty?

In the “court of public opinion” what role does a victim’s level of apparent “innocence” play in determining whether an officer used justified force in instances of police brutality? (Ex. Breonna Taylor, Elijah McClain, George Floyd.)

5. Was the criticism that Marshall received from Attorney Franklin Williams for being “cautious to a fault in taking thorny cases” fair? Why or why not?
6. When litigating cases, why was Marshall more focused on causing a constitutional error so that cases would be reversed on appeal, rather than winning at the trial level?
7. In a number of Marshall’s cases, several white women made false claims that they had been raped or harmed by Black men, while knowing that their false claims would be taken as true because of racist attitudes. What kind of liability should false accusers, such as Norma Padgett and Amy Cooper, who are willing to weaponize the systemic racism that threatens Black lives, face?
8. “Interest convergence” is a theory coined by the late Harvard Law Professor Derrick Bell, who helped to develop critical race theory, a body of legal scholarship that explores how racism is embedded in laws and legal institutions. The theory of interest convergence suggests that Black people only achieve civil rights when white interests converge with Black interests. For instance, one of the political motivations for desegregation was to raise the prestige of the U.S. among other countries because, as highlighted in the book, the Cold War brought international attention to the failings of the U.S. government, particularly the violence against Black people under Jim Crow Laws. Eventually, when interests diverged, the *Brown v. Board of Education* decision (the Supreme Court decision which determined that segregation of public schools was unconstitutional) was weakened by later cases that allowed for segregation for decades.

¹ The AP Style Book informs the capitalization of racial terms in this document. For an explanation, see the following article: <https://apnews.com/article/archive-race-and-ethnicity-9105661462>.

How did the economic and political interests of prominent white citizens and business owners, such as Sheriff Willis McCall, impact rights and safety of the Black people in Groveland? Were there times where these interests converged with the interests of the Black people in Groveland?

How did the interests of the FBI converge with the NAACP LDF's agenda?

Why might people who have been historically marginalized be cautious of civil rights or opportunities that are gained through interest convergence?

9. The tragic killing of Emmet Till is well known and often commemorated among people in the United States. The book recounts the lynching of Willie James Howard, who was lynched in a similar fashion as Till a decade before Till was murdered. However, Howard's lynching barely attracted any attention inside or outside of Florida. Similar to the killing of Till, in June 2020, the murder of George Floyd generated an unprecedented amount of national and international media coverage and outrage that crossed racial lines. However, various police killings of unarmed Black men often receive little to no media attention.

Why do certain instances of police killings and racially motivated violence receive national attention while others do not?

What role does the media (including social media) play in garnering national attention?

What role did the media play in the outcomes of the Groveland trials?

10. During the first Groveland trial, what arguments did the defense attorneys advance through pre-trial motions at the pre-trial hearing? How did Judge Futch receive these arguments? Did Judge Futch's demeanor during the trials align with your expectations of a judge in the South during the 1950s? Why or why not?
11. What conditions allowed Sheriff McCall to kill Shepherd and mortally wound Irving without facing any criminal liability?
12. The author describes the NAACP's "A Man Was Lynched Yesterday" flag hanging outside of the NAACP's Manhattan Office, accompanied by gory photos of Black people being lynched. The Image of Rubin Stacy's lynching haunts Marshall, not because of the gruesome nature of the photograph, but because of the white children dressed in their Sunday best who are photographed watching and smiling as Stacy is lynched. Marshall describes this as "yet another generation of white children, who, in turn, would without conscience prolong the agony of an entire other race."

Are there any ways in which today's generation of non-Black Americans have been taught to prolong and/or normalize the agony of Black people in the United States?

In what ways can this be prevented?

13. How do you relate the more recent case of Kalief Browder's wrongful arrest and three-year incarceration before trial to the events in Devil in the Grove?
14. What are the connections between Browder's arrest and incarceration and Professor Jones's explanation of "social death", which encompasses powerlessness, rightlessness, and invisibility?
15. While Browder's mother received financial compensation after his death, this cannot, of course, make whole a parent after the death of a child nor cannot it remedy the loss of what a young person's life could have been. What institutional or societal factors can be changed to prevent such a horrific loss in the future? Think about this issue and the idea of liberty as you progress through your legal studies.