

Troy Anthony Davis and the US Criminal “Justice” System

Almost exactly 20 years ago (August 18, 1989) an off-duty cop named Mark Allen MacPhail was working as a night-time security guard at a Greyhound Bus station in Savannah, Georgia, when he heard a commotion outside. Going out to investigate, MacPhail was shot and killed. The commotion he heard was a fight between two men, one of whom, Sylvester Coles, had picked a fight with a homeless man and was pistol whipping the man. Nobody other than Coles saw what happened next, as it was in a dark parking lot away from any witnesses, and the third man was unconscious from the pistol whipping. However, MacPhail was shot and killed. Several people had come out of a pool hall nearby, but none of them was standing close enough to clearly see in those darkened conditions.

Troy Davis Named

The next day, Coles appeared at the police station with a lawyer and told the cops that a man named Troy Anthony Davis was the one who killed the cop. Operating on this testimony, the cops arrested Davis, tore up his house looking for the gun or other evidence, and proceeded to try to build a case against him. Some fifteen cops went to the home of one potential witness – a teen ager – and pressured and badgered him until he signed a statement that Troy Davis was the shooter. A man who couldn’t read or write was similarly pressured into signing a statement he couldn’t even read. Even the man who had been beaten by Coles – who couldn’t even remember who had beaten him – was pressured into signing a statement that Davis was the shooter!

Without funds, labeled as a “cop killer” by the local media, Troy Davis was convicted and sentenced to be executed two years after the killing. Since that time, Davis, his family and supporters have been fighting a legal battle to get the case heard again. Despite that, on several occasions an execution date – called a death warrant – has been set (only to be quashed at the last minute). Davis’s sister, Martina Correia, describes the process:

“And then, as a death row inmate, you have to sign that, like you’re confirming and accepting it. And then they gave him a piece of paper, and the counselor gave him thirty minutes to call his family and ask, how do you want your body disposed of? Who do you want to get your body? You practically have to decide your obituary in thirty minutes. Then you have to decide who’s going to witness your execution. And so, you have to call people to ask them, do they want to witness your murder? And it’s like the most horrific thing you could ever listen to somebody that you love say.”

Witnesses Recant

Several years after the event, seven of the nine non-police prosecution witnesses recanted their testimony. (One of the two who didn’t recant was Coles.) However, in the interim a new federal law had been passed – the Anti-Terrorism and Effective Death Penalty Act – which said that new evidence could only be introduced within a year of the date of conviction. This law was applied retroactively to Davis’s case. Nevertheless, Davis’s

lawyers continued to struggle for him, and the miscarriage of justice was too blatant for the courts to completely ignore.

Execution of the Innocent Okay

It's been an uphill battle for Davis and his family. Most recently, the US Supreme Court ruled that the state court must conduct a new hearing on the evidence against Davis. This ruling was highly unusual and several judges argued against the ruling. One of them argued that the court has never held the position that a person who could prove his innocence cannot be executed! This was too much for the court majority to swallow, as the court system would lose all credibility if it openly adopted such a position. At least the *appearance* of being concerned about actual innocence or guilt must be maintained.

One group arguing for Davis is the Innocence Project, a non-profit group that seeks to get people released where their innocence can be proven. They have won the release of 241 prisoners so far, 17 of who were on death row. Many of their cases were won based on DNA evidence that was not available at the time of their conviction. Despite the fact that this new evidence which proves their innocence is now available, the prosecutors have fought against reopening the cases in almost every instance.

One would think that the prosecutors and the police would be primarily concerned with getting the right person convicted of the crime, but clearly that is not so. In many cases, including that of Davis, the issue of racism is directly involved. But that's clearly not all it is. After all, in Davis's case, the primary suspect should have been Coles himself, and he is also a black man.

Lynch Mob Mentality

In the US, conviction of criminals, especially for violent crimes, serves as an outlet for all the generalized anger that many people feel. Just one step removed from a lynch-mob mentality, this anger is focused on the "violent criminals". The politicians, the news media and Hollywood all collaborate in this dirty process. The courts have to play on this anger, build it, encourage it, and help ensure that it is not modified by reasoning, skepticism or doubt. This is necessary to keep the class struggle from boiling over.

Thus we see how the US court system is anything but independent of capitalist politics in general.

Troy Davis may yet win his freedom, but if he does, it will be only because his case is so blatant. (Even some of the guards in Davis's prison see this, causing some of them to quit because they want no part in the execution of an innocent man!) However, many thousands of others are left to rot in prison, and some are executed, who were wrongfully convicted. (The issue of the barbaric capital punishment is another issue itself.) What does it matter, since almost every single one of them was not from the capitalist class, and the majority were black men?

As Martina Correia put it: *"Here I am again at the parole board begging for my brother's life, and it's like nothing we said anybody cared about. All they cared about*

was that there was a white police officer killed, and we knew a black person did it, and Troy is the person that we got. And it's like, when the witnesses came forward and told the truth, it was like, how dare you come in here and try to change our mind against a cop killer? And so, here's me, my mom, my friends, begging for my brother's life again. And it's like nobody cared."

For more information on the campaign for Troy Anthony Davis, see:
www.Troyanthonydavis.org. Readers (including the LPP) are urged to send letters of support for Troy. They can e-mail troyanthonydavis@yahoo.com. Troy can be written to directly at:

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