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WITNESS FOR JUSTICE

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Justice Threatened

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“A threat to justice anywhere is a threat to justice everywhere.” These words were shared over forty years ago by Dr. Martin Luther King, Jr, but they ring as true today as they did then. Troy Davis is a prime example of how the justice system does not seem to work everywhere; nor does it work for everyone.

Mr. Davis was tried and convicted in 1991 for the murder of police officer, Mark Allen MacPhail some two years before. Murder trials, especially those asking for the death penalty, require a higher degree of rigidity or at least they should. I always thought that physical evidence was essential in a trial that could result in the state mandated death of another. I always thought that “beyond the shadow of a doubt” was the minimum standard in such cases. It does not seem to be true in this one.

Looking back on the records of Troy Davis’ trial, we see that his conviction was not based on any physical evidence; in fact no murder weapon was ever found. The conviction was reached after jury members heard the testimony of nine witnesses. Seven of those witnesses have now taken back or contradicted their original testimony. Some of them now say that they were coerced or harassed by the police. In fact, one of the nine has now been implicated by others as the murderer.

Appeal after appeal has been denied. The Georgia Supreme Court heard Troy Davis’ motion for a new trial in November 2007, but rejected the appeal based on technicalities that were considered by a dissenting judge who set an impossibly high bar for the recantations to be considered. Last week, the U.S. Supreme Court declined to hear the appeal of Troy Davis, meaning that a new execution date can be scheduled at any time by the Department of Corrections of Chatham County, Georgia. Even though this appeal will not be

heard by the Supreme Court, serious doubt remains as to Mr. Davis’ guilt. Members of the Georgia Board of Pardon and Paroles can still reconsider their decision to deny him clemency.

Mr. Davis is entitled to have his case heard again, especially because the primary testimony against him has now been recanted. Troy Davis simply wants his case heard again. He is scheduled to die for a crime that he did not commit; most of the witnesses agree and they are no longer afraid to say so. Why has no court been willing to hear the new evidence in this case? Is it because Mr. Davis is African American and the police officer was white? I hope not, but I can’t help but wonder.

Troy Davis has claimed his innocence for all these years but he has been unable to convince authorities, because he cannot afford a high priced legal team to defend him. Severe cuts to Georgia’s legal defense resources have resulted in only two lawyers to represent 160 people on death row. Death row appeals are time-and-energy-consuming for any attorney. Imagine having a caseload of 80 people to represent! What it comes down to is, “how much justice can you afford?”

The family of Officer MacPhail certainly deserves justice and our deepest condolences for their loss. But a wrongful conviction is not the way to bring about that justice.

Go to www.gfadp.org/TakingAction/TroyDavis/tabid/68/Default.aspx for specific updates on the Troy Davis case, sample letters, addresses, and recommended actions.

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