

A Tale of Two Injustices

Ed. by Journal of Prisoners on Prisons (Dept. of
Criminology, Univ. of Ottawa, 2013)

[In REMEMBRANCE of the Sept. 21, 2011, assassination
of Troy Davis]

On October 3, 2011, everyone in the U.S. awoke to wall-to-wall main-stream's media's (MSM) broadcasting of the impending Amanda Knox appellate ruling. At issue: whether she received a fair trial. At stake: freedom, or, a possible life in an Italian prison. This was the culmination to over a week's coverage detailing every aspect of the miscarriage perpetrated during Ms. Knox's prosecution. We were inculcated in each misuse of contaminated evidence used to secure her conviction.¹ Also, the media highlighted how the prosecutor's psychosis played a crucial role in Knox's unfair indictment.

Ideology is an often overlooked component in unjust convictions. Ms. Knox's prosecutor was fascinated with the medieval belief in the presence of sacrificial murderers among us. To their credit, MSM proficiently demonstrated that decades earlier, this same prosecutor falsely accused 2 men of satanic murders, although, not one piece of evidence pointed to Satanism. Now, decades later, once again, this very same prosecutor was accusing people, Knox & her boyfriend, with an unsupported theory of a satanic orgy gone awry.

On the other hand, is the case of Troy Davis. Mr. Davis had similar grievances as Ms. Knox, but, with more at stake: life or death. His death sentence was obtained solely by way of eyewitness testimony. Nevertheless,

substantially before his final hearing, 7 of the 9 eyewitnesses against him **RECANDED** their testimonies, insisting they were **INTIMIDATED** by either the **POLICE** or the person many believed to be the **ACTUAL KILLER²** to **FALSELY IDENTIFY** Mr. Davis (Significant Doubts, 2009). The unreliability of eyewitnesses & police corruption are in no way a new phenomena in wrongful convictions. They were instrumental factors in Illinois, then, governor George Ryan's shuttering of his state's death row. Because of these inequities, Governor Ryan found himself "**EXONERATING** more men **THAN** we had **EXECUTED**, **13** men found **INNOCENT**, **12 EXECUTED**" (Ciolino, 2005, p.154).

Despite Mr. Davis's having a compelling case for his freedom, MSM did not feel obliged to educate the masses to the dubious circumstances surrounding his conviction. His case did have some nice media-worthy elements that MSM usually loves. Here was a man facing supreme injustice with the utmost dignity, conjoined with a multitude of buzz-worthy supporters. Some of his staunchest advocates included eminences, from Desmond Tutu & the Pope, to former President Jimmy Carter. Most people, the world over, who heard of the circumstances of his conviction expressed **NO CONFIDENCE IN THE VERDICT**. In the days leading up to his final hearing, over **1 million** people signed petitions supporting his exoneration (1 Million, 2011), & participated in the "I Am Troy Davis," campaign (in the spirit of "I am Spartacus").³ Students led by those from **HBCUs** (Historically Black colleges & universities), protested in front of the White House & the prison. Some were eventually arrested (Four Howard..., 2011; McClure, 2011). No doubt there was a huge story to be had here.

Just as the storms of winter lead to the fruitful harvest of spring, Troy Davis's plight evolved into a humanistic movement that subsequently

survived his unwarranted murder.⁴ Some examples: filmmaker & author Michael Moore's decision to dedicate a portion of the proceed from his latest book towards the removal of all officials who refused to rectify this miscarriage of justice⁵; &, more profoundly, the fact that one of the dictums included in Occupy Wall Street's (OWS) Declaration of NYC was that they, **the 99%**, are fed up with America's continuation of executing its citizens (the 99%) based upon flimsy evidence.⁶

The fact that Troy Davis' legal fiasco had such an ability to touch & move a vast number of people, from the depths of their consciousness, belies MSM's lack of interest in this story.

Martin Luther King, Jr. once said, "A time comes when **silence is betrayal**" (King, 1967). Perhaps, due to King's prescient nature, he gave this speech in New York City, home to the OWS movement. He clairvoyantly continued:

I am convinced that if we are to get on the right side of the **world revolution**, we as a nation must undergo a **radical revolution of values....** When machines & computers, profit motives & property rights, are **considered more important than people**, the giant **triples of RACISM, EXTREME MATERIALISM, & MILITARISM** are incapable of being conquered.... A true revolution of values will soon look uneasily on the glaring **CONTRAST of POVERTY & WEALTH**. The Western **ARROGANCE** of feeling that it has **EVERYTHING** to teach others & **NOTHING** to **LEARN** from them is not just (King, 1967).

Dr. King's powerful language is in perfect harmony with Governor Ryan's during his speech explaining why he was closing Illinois' death row:

'In fact the most glaring weakness is that no matter how efficiently & fair the death penalty may seem in THEORY, in actual practice it is primarily INFLICTED upon the WEAK, the POOR, the IGNORANT & against RACIAL MINORITIES'

[Quoting former California governor Pat Brown] (Ciolino, 2005, 153-4).

Clearly, the time has come for MSM to end its jingoistic tactics of **silence** on injustices at home, while emphasizing identical injustices abroad. Despite the common claim, this appears to go beyond media racial preference. MSM was, also, **silent** when, at least 2 White men were executed while the pendulum swung heavily towards their innocence. One, Thomas Martin Thompson (CA), I addressed in an essay, "Capital Trial Errors: 'Harmless or Not.'"⁷ The other, Cameron Todd Willingham, was executed in Texas, based on evidence that leading forensic experts, eventually, declared was erroneous (Grann, 2009). Therefore, when Texas governor Rick Perry later claimed, during a Republican debate, that his state's death machine has **NEVER** gobbled up an innocent person, we found MSM in **silence**, without questioning Mr. Perry once, regarding this apparently **FALSE** statement. The American judicial system, therefore, can learn from others how to best insure that its citizens are provided fair trials, in which they are, "presumed innocent until proved guilty according to law.... at which [they have] had **ALL** the **GUARANTEES** necessary for [their] **DEFENSE**."⁸

An excellent beginning would be to **REPEAL** legislation passed during the Clinton years, like, AEDPA (Antiterrorism & Effective Death Penalty Act), that circumvents constitutional rights (**GUARANTEES**) to appeal unjust sentences, as happened with Troy Davis, & others. This is in contrast to the

opportunity given to Amanda Knox, in Italy. The late great activist/historian, Howard Zinn, accurately forewarned us about the **true objectives** of these types of nefarious bills:

The response of the government to such signs of desperation, anger, & alienation [f/poverty, unemployment, foreclosures, etc.]...: Build **MORE JAILS, LOCK UP MORE PEOPLE, EXECUTE MORE PRISONERS**....(Zinn, 1980, p.665)

Also,

The result [of the legislation], according to Bob Herbert, writing in the NY Times, was that a man facing the death penalty in Georgia had to appear at a **HABEAS CORPUS** proceeding without a lawyer (Zinn, 1980, pp.646-47).

Over 150 years ago, a "distinguished Gentleman" made a comparable plea: "We ask that the **Fugitive Slave Law of 1850**, that **LEGISLATIVE MONSTER** of modern times by those atrocious provisions the Writ of 'Habeas Corpus' [&] the '**RIGHT OF TRIAL BY JURY**' have been virtually **ABOLISHED, SHALL be REPEALED**" (Harding, 1981, pp.180-1).⁹

How eerily on point were Zinn's observations, & Douglass's plea? Just look at where Troy Davis lost his Constitutional Rights, &, thus, his life, along with the circumstances that attended to that tragedy. **Georgia!!!** Perhaps, if Mr. Davis had gone through the Italian judicial system he would still be with us today.

ADDENDUM

Dreadfully, I am, presently, going through this exact same nightmare. The witness, whom Staff Writer/Appellate Courts, Kenneth Ofgang, pub-

lished tied me to this crime (www.metnews.com/articles/2005/harr083005.htm), has BRAVELY come forward with the truth, & admitted that she was forced, BY THE PROSECUTION, to provide FALSE TESTIMONY (Case NO. CV 13-4026-PA; Exhibit 183). However, instead of righting their wrong; CA's Attorney General's Office is ATTEMPTING to block this evidence from HABEAS CORPUS REVIEW by way of, what else, AEDPA!!! (Case 2:13-cv-04026-PA, Document 55, Filed 8/8/14)

Unfortunately, these unscrupulous tactics are one of the leading causes behind wrongful convictions. For instance, Dr Emily West analyzed 255 cases in which DNA found that the people were actually innocent. Of these she discovered 65 cases where prosecutorial misconduct was raised on appeal:

Of these 65 cases, courts **rejected** the claims of prosecutorial misconduct in **34**. Of the 31 cases in which the courts found prosecutorial misconduct, they ruled 12 harmful & 19 HARMLESS. It is TROUBLING to see how OFTEN courts declare MISCONDUCT to be HARMLESS when the DEFENDANT is in fact INNOCENT, even HOLDING that the EVIDENCE of guilt is 'STRONG.' (Ridolfi & Possley, p.65)

To be continued....

September 18, 2014

NOTES

1. The Italian Appellate Court, subsequently, overturned the convictions for several reasons: The prosecution's failure to prove motive, unreliable evidence, & the dubious testimony of the prosecution's star

witness, Rudy Guede. Guede was the only person proven to have committed the murder, & for his cooperation was sentenced to 16 years. Knox's boyfriend, for his non-cooperation, received 25 years. Knox was sentenced to 26 years. The "incriminating" DNA found on the alleged murder weapon turned out to be from rye bread. (ABC Special: "A Murder. A Mystery. Amanda Knox Speaks," Aired: 4/30/13).

2. One of the 2 non-recanting witnesses is suspected to be the actual perpetrator. It's been reported that more evidence pointed towards him, than Troy Davis. However, as w/Rudy Guede, he cooperated w/the authorities to frame another. A common pattern found in wrongful convictions.
3. For excerpts of Troy Davis' message to his "I AM TROY DAVIS" supporters, see Dr. Maulana Karenga (2011), "Still on Death Row with Troy Davis: Defending Life & Justice." (www.lasentinel.net)
4. Immediately following the groundless execution of Davis, NAACP President, Ben Jealous, vowed to continue fighting until the death penalty is nationally abolished. In May 2013, at Maryland's Signing Ceremony ending capital punishment, one can find Mr. Jealous living up to his promise.
5. See Democracy Now!: "Man Interviewed by Democracy Now! on Troy Davis Execution Inspired My Georgia Boycott." Thurs., Sept. 29, 2011. (www.DemocracyNow.org)
6. "They [the 1%] have accepted private contracts to murder prisoners even when presented with serious doubts about their guilt." - Declaration of the Occupation of New York City (2011) (www.nationofchange.org/declaration-occupation-new-york-city-1317784408); Also, "Original Call-out from Occupy Oakland," [points: 1, 2, & 6] Feb. 19, 2012 (www.OccupyWallSt.org)
7. www.prisontalk.com/forums/showthread.php?p=4801105
8. The United Declarations of Human Rights, Article 11; See, also, Art. 10. [Adopted Dec. 10, 1948, by the General Assembly of the United Nations.] (www.un.org/en/documents/udhr/)
9. Quoting Frederick Douglass (1853)

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