



Print | Close



Troy Davis and the Reality of Doubt

By Emily Hauser

By moving ahead with Davis's execution, Georgia's justice system is signaling that it cares little for either evidence or experts



A protester prays with others during a vigil outside the Georgia Board of Pardons and Paroles while a clemency hearing for death row inmate of Troy Davis goes on inside / Reuters

"Whether the trial witnesses against [Troy Davis] were lying then or are lying now, by fighting against his requested relief Georgia is saying that its interest in the finality of its capital judgments is more important than the accuracy of its capital verdicts."

Andrew Cohen, who has served as chief legal analyst and legal editor for CBS News, [wrote those words](#) regarding death row inmate Troy Davis on TheAtlantic.com yesterday. They come near the end of a vitally important essay in which Cohen spells out "how far we have to go toward fair and accurate capital punishment in America." I read them over and over, because as a person who has been advocating for Davis's clemency bid, they struck me as frighteningly true.

This morning, Mr. Cohen's analysis was proven accurate: Georgia's State Board of Pardons and Paroles announced that it is denying Davis clemency. He is to be executed by lethal injection tomorrow for the 1989 murder of off-duty police officer Mark MacPhail.

It doesn't take a legal expert to look at the public record and see that there is nothing approaching "beyond a reasonable doubt" here. But a [long list of legal experts](#) have, in fact, come forward to say that the case against Troy Davis is far too thin to support the death penalty. The list includes about 1,500 names, ranging from Andrew Cohen to former state Supreme Court justices to author and capital punishment expert Scott Turow. All of these authorities are in agreement that there is simply not enough there to justify killing a man.

The entire case against Davis is based on eyewitness testimony -- and seven out of nine eyewitnesses have either recanted or changed their testimonies. Several have testified that they were coerced by police, and one of the remaining two witnesses (Sylvester "Redd" Coles) has been implicated as the real shooter. (Indeed, according to numerous affidavits, Coles has [publicly boasted](#) of getting away with the murder.) There is no physical evidence tying Davis to the crime. Just the word of people who have since said that they were frightened into lying.

The notion that those engaged with this nation's justice system would allow Troy Davis to be killed under these circumstances fills many of us with a kind of shame that we have never before felt. I do not know [how I will explain this](#) to my children, to say, "This is what justice looks like in your country."

There is still one more chance: Amnesty International is calling on Larry Chisholm, the district attorney of Georgia's Chatham County, [to seek a withdrawal](#) of the death warrant and support clemency, and if Chisholm does so, Davis may yet live. Not walk free. Not make up for years lost. Not build a family and get a job and gather a pension as his years wind down -- just live. In prison. For the rest of his life. But he would be alive. And where there is life, there is hope. Hope not only for Davis, but for us, as a country.

If, on the other hand, we really are a country that would rather kill potentially innocent people than accept the reality of doubt, I'm not sure we have much hope left.

This article available online at:

<http://www.theatlantic.com/national/archive/2011/09/troy-davis-and-the-reality-of-doubt/245384/>

Copyright © 2011 by The Atlantic Monthly Group. All Rights Reserved.