April 17, 2011

Georgia State Board of Pardons & Paroles
2 Martin Luther King, Jr. Drive, SE
Suite 458, Balcony Level, East Tower
Atlanta, GA 30334

Dear Chairman Donald and Members of the Board:

I am writing out of concern for the case of Troy Anthony Davis. I appreciate
the time spent in 2007 by the Board to examine the case, and I am aware of the
heavy burden you bear as the institution tasked with the last word in
determining his fate and the resolution of the quest for justice for police officer
Mark Allen MacPhail.

I know that you are aware of the many issues of concern in Mr. Davis’s case,
which have garnered worldwide attention about the system of justice in the US
and in our state. Both the MacPhail and Davis families have been on a long
and painful journey through various legal proceedings and four execution
dates.

I was among the many who hoped that the special hearing ordered by the U.S.
Supreme Court would at last provide some clarity to this case, and that we
could finally be certain as to Troy Davis’s innocence or guilt. Unfortunately,
the result of the hearing was not clarity, but more confusion. Mr. Davis could
not prove his innocence, but the state of Georgia could not remove doubts
about his guilt.

Several witnesses testified at the hearing that they had been coerced by police
into making false statements against Troy Davis at the trial. One witness
testified for the first time that he saw a relative of his commit the crime. The
state challenged the credibility of these witnesses, yet it was many of these
same witnesses whose credibility was the basis for Troy Davis’s conviction.

Our faith in the justice system exists only to the extent that we can be confident
it is genuinely concerned with preventing and correcting injustice. An
execution of Troy Davis without a hearing to examine his innocence claim
would have profoundly shattered that faith. The fact that a special hearing was
called was indeed encouraging, but the failure of that hearing to resolve doubts
leaves us back where we were before. Putting a prisoner to death when we
cannot be sure of his guilt would surely cause the public to question the
dedication of our state to protecting against injustice.
I believe this is why you took such a strong moral and common-sense position following the postponement of Mr. Davis’s first execution date in 2007. Then, you said that the Board "will not allow an execution to proceed in this State unless and until its members are convinced that there is no doubt as to the guilt of the accused."

This statement signified a truly compelling commitment to justice, which, if kept, could inspire much greater confidence in our criminal justice system. I urge you to keep that commitment now and grant clemency for Troy Anthony Davis.

I hold you in my prayers as you confront this very serious set of choices in the very near future. It is my prayer that you will act with courage to ensure that justice and fairness will prevail. Thank you for your time and attention.

Love Embraces Justice,

Joseph E. Lowery,
Convenor