

September 9, 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 write to urge you to grant clemency for Troy Anthony Davis, scheduled for execution on September 21, 2011. As former Governor of Texas, I oversaw nineteen executions during my term. I know that no decision is as weighty or significant as whether or not to allow an execution to go forward, and I respect the serious consideration that you give to each case that comes before you.

The case of Troy Davis is exceptional. Troy Davis was sentenced to death for the 1989 murder of police officer Mark MacPhail in Savannah, a serious crime which deserves the most severe of punishments. Yet Troy Davis has consistently maintained his innocence. So, an extraordinary hearing was held last summer to consider his innocence claim. Still, the standard that the judge used at that hearing was overly burdensome and doubts about Troy Davis' guilt remain unresolved.

At the hearing, one eyewitness testified for the first time that he saw the alternative suspect commit the crime. Several witnesses testified that they had been coerced by police into making false statements implicating Troy Davis. The State of Georgia questioned the trustworthiness of these witnesses, but it had been many of these same witnesses whose credibility guaranteed Troy Davis' original conviction. How can these same witnesses be credible enough to send a man to his death, yet be unreliable and unconvincing in another circumstance?

Troy Davis' conviction in 1991 was based almost solely on eyewitness testimony. Naturally, his innocence claim relies mostly on recantations from these witnesses, as well as new witnesses who implicate an alternative suspect. Research on eyewitness testimony since Davis' conviction has shown this type of testimony to be particularly unreliable; in fact, three-fourths of the first 250 DNA exonerations involved eyewitness misidentifications. Eyewitness testimony is much less conclusive than testable physical or scientific evidence like DNA. The lack of any relevant physical evidence in this case has meant that Troy Davis cannot prove his innocence, and conversely the state cannot remove nagging doubts about his guilt.

In exceptional cases, our system simply cannot erase doubts or reach a level of certainty sufficient to confidently impose the irreversible penalty of death. While there has been a good faith attempt to resolve questions about Davis' guilt, the fact is that the doubt remains. In such a case, the right thing to do is to resolve the persistent doubt in favor of the defendant. Thus, I urge you to commute Troy Davis's death sentence.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark White". The signature is fluid and cursive, with a large initial "M" and a stylized "W".

Mark White
Governor of Texas, 1983-87; Attorney General of Texas, 1979-1983; Secretary of State of Texas, 1973-1977; Assistant Attorney General of Texas, 1965-1969