



Introduction: Geographies of Capital Punishment in the United States: The Execution of Troy Davis

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As of the writing of this introduction 3170 people currently are on "death row" in the United States (Equal Justice Initiative 2013). Despite the widespread public belief that equality under the law exists, the reality for death row inmates is quite different. A 2007 study by the *American Bar Association* found that over one-third of Philadelphia, Pennsylvania death row inmates would have received sentences of life in prison had they not been African American. More concerning is a 2007 study by Yale University Law School which found African American defendants were three times more likely to receive the death penalty if the victim of the crime was white (as quoted in Donohue 2011). Given the geographic realities of life in the United States these facts may be unsurprising to readers of *ACME*. However, what makes these facts interesting, and perhaps what makes the United States an interesting case -- some might say exceptional--is that despite widespread international pressure to curtail or abolish the death penalty, the US is one of the last Western nations to continue to view executions as an acceptable form of punishment. At issue is how race and class and gender renders the death penalty an unequal form of punishment, a punishment that speaks to the role of geography in the US criminal justice system.



A report by the Death Penalty Information Center and titled *The 2% Death Penalty: How a Minority of Counties Produce Most Death Cases at Enormous Costs to Us All* (Dieter 2013) outlines a troubling geographic reality about death row. Despite the belief amongst the general public that the death penalty is a widely utilized form of punishment the reality is quite different. In states that allow executions, only two percent of counties have been responsible for the vast majority of death row cases. Additionally, in states that continue to impose executions eighty-five percent of those counties have not had a single execution in over 45 years (Dieter, 2013). In other words, a minority of jurisdictions drives the use of the death penalty and often this is the result of individual prosecutorial decisions. Most troubling is that the report found "counties that use the death penalty the most have some of the highest reversal rates and many have been responsible for errors of egregious injustice" (Dieter, 2013, iii).

Take the State of Alabama for example. Alabama currently has 192 men and women on death row and sentences more people to death on a per capita basis than any other state in the US (Equal Justice Initiative, 2013) -- perhaps surprising given Texas' outsized reputation as the capital of capital punishment. One of the reasons, is that half of the people on Alabama's death row were granted legal representation by public defenders whose compensation for trial preparation is capped at a maximum of \$1000 per case (ibid). If one considers the average compensation for lawyers in the US (\$54.58 per hour according to the US Bureau of Labor Statistics in 2011) lawyers in Alabama would spend about 20 hours working on the case when faced with the most profound decision the US criminal justice system can make. This shocking reality does not take even take into account that the \$1000 cap must also pay for expert witnesses, independent labs to test evidence, time and effort to travel to depose witnesses in the case, and myriad other things that lawyers do. Imagine the kind of representation defendants in Alabama are likely to receive should they find themselves facing capital murder charges and unable to afford a lawyer. Somewhere less than 20 hours I suspect. When these facts are coupled with the reality that over 130 people have been released from death row since 1973 because they were actually innocent (Amnesty International 2013), it is plain to see that the death penalty as practiced in the United States represents the crucial intersection of place, violence and power. Upon closer examination of the legal context in which executions take place, it is apparent that more often than not, an argument can be made that death penalty convictions result from prosecutorial and place-based contexts in which overzealous, or unethical prosecutorial practices operating within a certain unequal socio-spatial system of law adversely affect poor and often minority defendants.

As the papers in this special issue demonstrate the death of Troy Davis on 21 September 2011 *is* such an example; however, while this special issue is focused on the murder/execution of Troy Davis it speaks to the larger issue of (in)justice and (in)equality in the United States. In this sense the execution of Troy Davis continues to serve as a clarion call not only to engage in critical scholarship

on the death penalty, but to create the conditions necessary for the end of executions in the United States. As a consequence we hope this special issue is a first step for geographers to think through the death penalty in the US *alongside* the contributions critical scholarship can make in illuminating the role capital punishment plays in US society. While scholarship in the broader social sciences is robust when it comes to examining the death penalty in the US (e.g. Buenviaje 2010; Powell 2010; Garland 2005; 1997; Sarat 1999) geographers have done less work on the subject. Given the important contributions geographers are making in the study of bare life (Fluri 2012; Amoore 2006; Mitchell 2006; Sylvester 2006; Diken and Lausten 2002), inequality (e.g. Peck et al 2013; Wilson 2012; Martin and Sunley 2011; Lawson et al 2010), racism and gender discrimination (e.g. Bonds 2013; Ellis et al. 2012; Parker 2011; Wright 2010), and the path-breaking work geography has played in broader engagements with carceral geographies (e.g. Moran 2013; Mountz et al. 2013; Mitchelson 2012; Gilmore 2007) more attention to the death penalty would be a welcome intervention by the discipline. As the "2% Report" makes clear the ways in which the death penalty operates in the US is overtly geographical --the result of very specific geographic practices and processes that produces the uneven geography of US style justice.

As a consequence this special issue is a political issue. All of the contributors are opposed to the death penalty. In our discussions about the abhorrent practices of executing men and women in the US criminal justice system, we specifically hold to the ethical commitment made by Martin Luther King Jr., over fifty years ago when he declared: "injustice anywhere, is a threat to justice everywhere". This reflects the spirit in which this special issue came together. The papers that are part of this collection emerged from a panel discussion on Troy Davis that occurred at the Southeast Division of the Association of American Geographers (SEDAAG) in Savannah, Georgia just seven weeks after the Davis execution. Coincidentally the meeting that year was held in Savannah -- nine city blocks removed from Troy Davis' old neighborhood.

For those unfamiliar with the events surrounding Troy Davis and his conviction I briefly outline the events. On 18 August 1989 in a darkened parking lot Savannah, Georgia police officer Mark MacPhail was shot and killed as he tried to stop a fight. In the ensuing investigation the local police quickly identified Troy Davis as the prime suspect. After a trial and conviction Troy Davis was sentenced to die on Georgia's death row complex. Almost immediately doubts were raised about Mr. Davis' guilt and lawyers went to work trying to overturn his conviction, or at the very least, get the state to commute his sentence to life in prison with no chance of parole. Despite these and other desperate efforts of activists, lawyers, citizens and politicians in the last hours of his life, and despite the hope that the United States Supreme Court would intervene on Mr. Davis' behalf, on 7 September 2011 at 11:08 pm a lethal cocktail of drugs first rendered Mr. Davis unconscious, halted his breath, and finally stopped his heart. At the time of his death Mr. Davis had spent more than half of his life on Georgia's death row. Mr.

Davis' last words spoken to the family of the man he was convicted of murdering, continue to haunt the US justice system. He stated: "The incident that night was not my fault, I did not have a gun...I did not personally kill your son, father, and brother. I am innocent" (Ranking et al, 2011, A11).

While all of us on the panel at the SEDAAG meeting recognized that Troy Davis' story is undeniably tragic, we also came away from our discussions with the realization that the execution of Troy Davis is more than just a story about an individual, or one injustice. For those of us who were in Savannah the injustices of the city were too heavy to ignore without comment. In the two years since the Savannah meeting we have been heartened to witness several states curtail or even outlaw the use of the death penalty as a criminal punishment. Recently Oregon placed a moratorium on the death penalty while Connecticut and Maryland repealed the use of the death penalty finding it cruel and unjust punishment. These state decisions reflect wider changes in public support for the death penalty in the United States that currently is at its lowest point since the 1970s (Jones 2013). However, as any good activist knows, moments of victory are followed by periods of retrenchment. Sadly, while some states have decided that the death penalty is indeed an inhumane form of punishment, other states are moving forward at breakneck pace to conduct more executions and to expand the use of the death penalty as a punishment.

For example, despite a 2007 American Bar Association report that found the State of Tennessee had several problems with the way executions are carried out, the current Governor, Bill Haslam, is pushing ahead with a plan to execute several men in 2014. Despite the concerns of an array of politicians, activists and citizens the state recently went ahead and scheduled ten executions over the coming year--despite not having executed anyone in over four years and only having executed six men since 1960 (Hass, 2013, A1). When placed within the geographic realities of the 2% report it is no wonder that over a third of all of Tennessee's death row inmates are from Shelby County (despite only representing fourteen percent of the state's population). In Shelby County the public defender system is chronically underfunded and public defenders have caseloads that are 3-4 times higher than the national average. (Stevens et al. 2010). Additionally, Shelby County is home to Memphis which has a history of prosecutorial and police abuses directed towards the minority population of the city (ibid). As a consequence many of the men who find themselves on death row have had questionable legal counsel. This reality is indicative of national trends that show the death penalty is applied in a geographically uneven way and is far from fair and clearly not just.

For these reasons and for myriad others, we not only decry the execution of Troy Davis, but we want to use this special issue to take a broader disciplinary stand against the use of the death penalty in general. Nik Heynen, for example, argues that in thinking through the geographies of survival in the racial state we must use the Troy Davis "moment" to elucidate a broader abolitionist politics.

Importantly these politics need to be grounded in larger contexts that illuminate how the death penalty operates through the intertwined geographies of racist-capitalist-patriarchal politics. These efforts also must confront unpleasant realities. While it is easy to rally support for the Troy Davis' of the world, as Tyner and Colluchi and as Kobayashi notes, it is a much tougher task to engage with the Lawrence Brewers of the world. Mr. Brewers (an ardent white supremacist) was convicted of the 1998 dragging death of James Byrd Jr., a black man. Brewers' guilt is not at question, but his punishment is. In a weird twist of fate he was executed on the same night as Troy Davis, though his case received much less media attention. As a consequence the realities of the death penalty in the United States must also entail broader paradigmatic shifts in the way the academic and the broader public thinks about and understands justice.

In Western, liberal democracies ideas of justice have long centered around the belief that "dealing with intergroup conflicts of the past is critical to building tolerant societies...through the powerful moral intuition that for 'closure' to occur the perpetrators of such violations must be punished" (Llewellyn and Howse 1999, 355). Notions of retributive justice that flow from this understanding seek to repair harm "through [the] unilateral imposition of punishment" and are focused on the idea of "just desert" wherein those who violate rules and laws must be punished in a way that is in "proportion to the severity of the wrongdoing" (Wenzel et al. 2008, 388). Other forms of justice, and most specifically attempts at restorative justice, focus on community building and repairing broken communities and relationships (Inwood 2013). Restorative justice is an attempt to broaden the focus of justice, to allow for a more complex and contextualized process that places the victims of tragedy at the center of efforts to achieve justice. The implications for the US justice system are manifest. First, whereas retributive justice focuses on vary narrow definitions of guilt and innocence, restorative justice broadens the scale to include "the social, political and economic conditions that are implicated in" the violation in the first place (Inwood, 2013, p. 612). As the papers in this issue demonstrate, thinking about the context and geography of where crime occurs and who gets wrapped up in the tentacles of its justice is paramount to understanding how notions of guilt and innocence, victim and perpetrator are produced. Tyner and Colluchi in their paper note that justification of the deaths of Davis and Brewer is based on the ability to define both as "monsters," so that they can be disposed of harmlessly and that society will be better off for their deaths. This is retributive justice at its most basic form, but it obscures a more fundamental relation--the geographies that produce the Davis and Brewer executions in the first place. For while it is easy to decry the death of Davis, if we are to ultimately engage with and overturn the death penalty in the US we must also work for the lives of those who are guilty of unspeakable crimes. To get at these realities the papers in this issue each engage with aspects of Troy Davis' life and death and place it within a broader reality of (in)justice in the justice system. Kobayashi provides an overview of the death penalty and works through the geography that produces the death penalty in the US. Following her paper Inwood and Barron

tackle the specific realities of Savannah and the practices of executions in Georgia. This paper is related to, ties into Tyner and Colluchi's work, and discusses bare life. Finally, Heynen raises provocative and tough questions about the role of activism and geographies of survival in the context of the anti-execution movement in the US.

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