

## Davis

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changed their minds about his guilt. Still, prosecutors and MacPhail's family have staunchly backed the verdict and state and federal courts have repeatedly upheld his conviction.

MacPhail was working security at a bus station on Aug. 19, 1989, and rushed to the aid of Larry Young, a homeless man who prosecutors say Davis was bashing with a handgun after asking him for a beer. When MacPhail got there, they say Davis had a smirk on his face as he shot the officer to death in a Burger King parking lot. Others have claimed the man with Davis that night has told people he actually shot the officer.

No gun was ever found, but shell casings were linked, prosecutors say, to an earlier shooting for which Davis was convicted. Witnesses placed Davis at the crime scene and identified him as the shooter. However, no other physical evidence was found, including blood or DNA, that tied Davis to the crime.

As time ticked toward the execution, an upbeat and prayerful Davis turned down an offer for a special last meal and planned to spend his final hours meeting with friends, family and supporters. Meanwhile, two attempts to prove his innocence were rejected: a polygraph test and another hearing before the pardons board.

His attorney Stephen Marsh said Davis would only submit to a polygraph test if pardons officials would take it seriously.

"He doesn't want to spend three hours away from his family on what could be the last day of his life if it won't make any difference," Marsh said.

His lawyers, meanwhile, are trying the legal avenues left to them, filing a motion in a county court challenging the ballistics evidence and eyewitness testimony. A judge

it was a state conviction, but could potentially halt the execution by asking for an investigation into a federal issue if one exists, though that was unlikely, said Richard Dieter, executive director of the Death Penalty Information Center.

In Savannah, 16 Davis supporters gathered at the Chatham County courthouse to press District Attorney Larry Chisolm to help stop Davis' execution. They said 240,000 people had signed petitions urging the state to spare Davis' life, and delivered them in three large boxes to Chisolm's courthouse office where they were received by a member of the prosecutor's staff. Chisolm has said he's powerless to intervene, but activists say they believe he has enough influence as district attorney to sway the outcome.

As for the new and changed accounts by some witnesses, an unmoved federal judge dismissed them during a hearing set up by the U.S. Supreme Court in 2010. He said while the "new evidence casts some additional, minimal doubt on his conviction, it is largely smoke and mirrors."

It was the first time in 50 years that justices had considered a request to grant a new trial for a death row inmate. It set a tough standard for Davis to exonerate himself, ruling his attorneys must "clearly

establish" Davis' innocence - a higher bar to meet than prosecutors having to prove guilt.

Once the hearing judge made his ruling, the justices didn't take up the case.

Prosecutors say they have no doubt they charged the right person, and MacPhail's family lobbied the pardons board Monday to reject Davis' clemency appeal. The board refused to stop the execution a day later.

"He has had ample time to prove his innocence," said MacPhail's widow, Joan MacPhail-Harris. "And he is not innocent."

In Europe, where the planned execution has drawn widespread criticism, politicians and activists were making a last-minute appeal to the state of Georgia to refrain from executing Davis. Amnesty International and other groups planned a protest outside the U.S. Embassy in Paris later Wednesday and Amnesty also called a vigil outside the U.S. Embassy in London.

Parliamentarians and government ministers from the Council of Europe, the continent's human rights watchdog, called for Davis' sentence to be commuted. Renate Wohlwend of the Council's Parliamentary Assembly said that "to carry out this irrevocable act now would be a terrible mistake which could lead to a tragic injustice."

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could at least delay the execution, which has happened three times before. Most believe arguments on the merits of the case have been exhausted, however.

The National Association for the Advancement of Colored People, which has helped lead the charge to stop the execution, said it was considering asking President Barack Obama to intervene. Obama cannot grant Davis clemency since

## Workers

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but this generation has been kept out of that pool."

### Unfair Practices

African Americans have filed lawsuits and grievances alleging exclusion and unfair hiring practices by longshoremen's unions down the stretch of the West Coast, including the Portland waterfront.

A key legal decision in 1964 forced the first desegregation of the International Longshore Workers Union Local 8, allowing 50 African American workers to be hired.

In Portland, critics charge, unfair practices continued until a group of six casual workers filed an Equal Employment Opportunity Complaint charging racial discrimination in 1995. Reforms were enacted that eventually brought five of the six into the union, but African American workers have repeatedly charged that the PMA and the ILWU continue to keep jobs away from women and workers of color.

A groundbreaking series of articles in the late 1990s by Seattle Times business reporter Stanley Holmes uncovered rampant problems; by 1997, eight discrimination lawsuits were pending against the Seattle longshore workers' union and the PMA.

"Several Seattle and Tacoma port commissioners say they are concerned about dockworker allegations of racial and gender discrimination on the waterfront, but say

they have no jurisdiction over the Longshoremen's Union or the maritime association that leases the docks from the ports," Holmes wrote.

In 1998, one of the Seattle-area suits against the ILWU, the PMA and an array of union locals - which, Holmes reported, alleged Black and Hispanic workers were "passed over for job assignments, subjected to racial slurs and jokes, physically assaulted and, after the suit was filed 18 months ago, victimized by retaliatory acts" - was settled out of court.

By 2006 the African American Longshore Coalition attempted reforms from inside the union - but, some say, without result.

### Application Technicalities

A spokesman for the Tuesday help group kicked off the session with a few words about the need for more longshore workers of color, and the need to fill out the cards exactly right - without any errors.

"The reason we brought you here today is - you don't have any better opportunity than anybody else, but you do have the opportunity to fill out the card right and make sure you're in the drawing, and you may possibly get a job as a longshoreman," he told the boisterous crowd.

The Skanner News was not able to identify the volunteer by press time because the number of interested applicants at the coffee

shop was so large it was impossible to get near the table. The throng surged out as far as the parking lot and promised to keep flowing until the event shut down at 3 p.m.

Wednesday is the deadline for sending in "interest cards," each of which - if filled out properly and submitted on time - will be entered into a series of lotteries from which a roster of "casual worker" hires will be made.

These "casual workers," who are non-

**1998, a Seattle lawsuit alleged Black and Hispanic workers were "...subjected to racial slurs and jokes, physically assaulted and victimized by retaliatory acts"**

union laborers without any medical benefits or job perks, are the pool of workers from which a Portland International Longshore Workers Union Local 8 committee periodically selects new union members when opportunities open up.

"There's not many brothers with us down there at the Port of Portland," the volunteer said. "So we have 500 longshoremen and maybe 25-30 African American or mixed race etcetera.

"So we'd like to see more of you guys

down there working with us and that's why we organized this on our own time."

### Bigger Picture

"The problem is that when you look at that economic system in the breakdown of this city, people are tending to get the jobs that their fathers have taught them," Raiford said Tuesday at Reflections. "So without that opportunity we know that we have a lot of unemployed people, we have a lot of kids that aren't graduating from high school, we have a lot of families that are divided.

Raiford noted that most of the families in Oregon today are descendants of longshore workers who came to Oregon at the beginning of World War II.

"All of our families, including mine, came to Portland with the longshoreman jobs almost 100 years ago, so it shouldn't be this hard to get them into these types of opportunities, but it is," she said. "They're not being fair about having access for everyone.

"And it seems like such a small thing when you're looking to get a job and the only reason you're not getting it is because of an initial on your card or it's the wrong size," Raiford said. "One of the complaints that we just heard about was that the people who were sending the cards out for people to apply sent the wrong-sized cards."

## Strike

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ferences are reconciled and the school doors reopen."

The Tacoma Education Association, the union for 1,900 teachers, is defying a court order for them to return to work. Pierce County Superior Court Judge Bryan Chushcoff has said he's considering giving the district the option of replacing teachers

**Gregoire orders new talks 'until their differences are reconciled and the school doors reopen'**

who are on the picket line, and the next court hearing is set for Tuesday.

State and local public employees, including teachers, have no legally protected right to strike, according to a 2006 state attorney general's opinion. But that opinion also noted state law lacks specific penalties for striking public employees.