

Director's statement on THE PAST IS NEVER DEAD

From the first interview I realized those before the camera needed breathing room to explain their years of hurt and pain; their intense emotions told so much more than the answers to my questions. These voices, on their own, shine a light on the meaning of innocence and justice. It is the reflective eyes of these witnesses that demand action... Of course there have been hundreds of films and programs about paid criminal informants, police coercion, the overwhelmed public defender system and the inundated appeals courts, but to experience a story where all these issues come together in such an open and public way is extraordinary. The idea that a person is able to prove his innocence and still be kept in prison is why "The Past is Never Dead" exists.

In the summer of 2016 I stumbled upon the story of David Robinson. Bob Miller, the editor of my regional newspaper, the Southeast Missourian, contacted me about creating a short video series on Robinson. Though I didn't film the series, Bob's confidence in David's innocence led me to contact David's pro bono lawyers at the Bryan Cave Law Firm in St. Louis. They weren't just confident of David's innocence, they could prove it. They printed off a copy of the Supreme Court brief and agreed to sit for interviews.

However, it was after reading the 2001 original trial transcript that I knew David's story was worth more than two years of my life. David's trial was embarrassing to read. I was embarrassed for the county and Missouri's justice system, and I was embarrassed to learn that David's trial was more the national norm than the exception.

I had read the State's past arguments for appeal denials, thoroughly, but since it was not making any sense, I felt I must have misunderstood. When I shared my confusion with the Bryan Cave lawyers, they said that I understood it completely. They told me that innocence, by itself (re: a "freestanding claim of actual innocence"), is maybe the hardest case to make for exoneration, and not because of the difficulty in proving absolute innocence, but that once someone has been "fairly" convicted by a jury, changes (recantations) during post-conviction testimony are usually discounted by judges. Liars lie, especially snitches and jailhouse informants, and once proven as liars, their recanted testimony is suspect.

"Well, if he [David Robinson] didn't pull the trigger, at least he's been off the street for the last 16 years." That quote is from a prominent citizen associated with Sikeston, a small cotton town in Southeast Missouri. The meeting (my first after getting David's approval to tell his story) was in mid September 2016 and was arranged as a first introduction to Sikeston's city leaders. I was told this person was a straight shooter who could act as a liaison. If I could convince this person I too was a straight shooter and only wanted to tell a truthful story, I'd have an easier path. After a few follow up questions it was clear this person was speaking without any knowledge of David Robinson or the case details. The meeting ended by the person informing me I wasn't going to have much of a documentary since no white person would talk on camera.

The whole meeting seemed quite racist, if not overly dramatic. I had read all the documents on David Robinson's case and was certain he was innocent of murder. The facts of the case pointed to the overt failure of a police investigation and their use of paid and coerced criminal informants. It didn't seem to be about racism—mainly because the other (real) suspect was also African-American. I tried to follow up with this person a few days later, but my calls and texts went unanswered.

A few weeks later I tried Sikeston's mayor and city manager. They claimed ignorance on the details of the Robinson case and so I asked to talk with them about the city in general and its long history of racial tensions. (I'm sure no one would be shocked to hear that a small southern cotton town has racial issues. Just google Sikeston, MO racism / crime.) As mentioned, I had no reason to believe David's case was the result of racism, but since I was getting cues it might be, I wrote to them that, "I am requesting an interview to discuss the city's view on topics such as racial tensions and divisions, policing and the overall crime rate, and the current and future economic opportunities for Sikeston. Over the course of the past month, with over 30 recorded hours of interviews and footage, the city of Sikeston—to be honest—seems to be a very hard place for African-Americans to live and prosper. My film did not set out, nor plans to be, a gotcha film about Sikeston, and the production schedule has always included the other side to the story. That being said, I wish to get your point of view along with any other city leaders who you think would provide insight to Sikeston." They agreed and did follow through with an on-camera interview ... However, just days after they received the above request (and before the interview), the chairman of the Sikeston chamber of commerce sent a racially charged letter to all chamber members requesting no one speak with me.

The police chief, Drew Juden, did speak with me, but he wouldn't comment on the case. He also disallowed any of his officers to speak with me. Juden was the original arresting officer of Robinson and said he was certain they put away the right man. A few weeks after our interview the newly elected Missouri Governor Eric Greitens promoted Juden to statewide Director of the Department of Public Safety. (Update: Greitens resigned in scandal and disgrace in May of 2018. Mike Parson, the new Governor, fired Juden in August 2018.)

It seemed the city thought (or either thought that I thought) the Robinson case was about institutional racism, and, truly, many of the life-stories told by Sikeston's African-Americans were upsetting, but a small budget and a lack of skill precluded my solving America's race problem. And anyway, David Robinson's story is a straightforward case of injustice. It's not about life in a small cotton town. The film was never going to be—and isn't—about the city of Sikeston. It is the city's kneejerk racial reaction that complicates the story.

Interviews with white citizens, only off camera and off the record, often devolved into calls for "them" and "those people" needing to find a relationship with God, to return to family values, and to learn the value of honest work. Unprompted, most wanted to know if and for what reason I was going to cover the infamous, and now famous, January 1942 lynching that occurred in downtown Sikeston on an early Sunday afternoon. (I wasn't).

They wanted to know the identity of the film's backers and seemed stymied when I informed it was self-funded. They offered up names of African-American citizens who they thought might be telling me wild stories. Some recorded me as I recorded them. And though I wasn't followed or given any trouble, I started entering and exiting town the back way along country roads.

Sikeston's knee-jerk racial reaction to David Robinson's claim of innocence is enlightening. For seventeen years the city has stood firm in their support of the police, and, seemingly, ignored the available evidence of wrongdoing—which now suggests a pattern of wrongdoing going back 25 years. For some reason the city can (and will) accept a charge of racism over a claim that they might have a police problem. It looks like they have both.

Has David Robinson been in prison for nearly 18 years because of racism? I don't know. I do know he is an innocent man. As for Sikeston, Missouri ... I will defer to those with higher skills in the social sciences.

— Steve E. Turner, Producer/Director