



# Whatever Happened to Robert Davis?

00:00

00:00

[Download file](#) | [Play in new window](#) | Duration: 40:12 | Recorded on May 18, 2021

## By Meg Britton-Mehlich and Allie Pitchon

In 1978, Robert Davis was the youngest child to ever be sent to New York's Rikers' Island Jail. He was Black, from the Bronx, and only thirteen.

In this episode we look into Robert Davis's life. We explore his old neighborhood in the South Bronx, his old middle school, and the media frenzy that surrounded his case. We explore how Robert was sucked into a riptide of tough-on-crime political theater that had consumed the country and New York City. And we try to find out where he ended up four decades later, long after his story had faded from the limelight and the city had forgotten his name.



Portrait of Robert Davis, 1979. Courtesy of The Courtroom Sketches of Ida Libby Dengrove, University of Virginia Law Library.

## Transcript

**ALLIE PITCHON:** So, I live right across the street from Morningside park. It's narrow and long —13 blocks. And it's built on a steep incline. There are long paths and a pond that's tinted green by bits of algae that sit on the surface and there's a basketball court that's always filled with kids playing.

*[The sound of birds chirping and kids playing basketball at Morningside Park begins.]*

They look to be in high school or middle school.

Laughing, joking around, just being kids.

But right in front of the basketball court, parked half on a paved road and half on the lawn bordering the court, there's a police car. It sits there for at least an hour almost every day, facing the kids.

You could look at any of the boys at Morningside– still lanky, still awkward, still in the middle of a growth spurt– and you can almost see Robert Davis.

13-year-old Robert Davis. The youngest child ever to be sent to Rikers Jail. The first to ever be charged as an adult – for murder.

*[The sound of kids playing basketball at Morningside Park ends.]*

*["Lakkalia" music begins.]*

**MEG BRITTON-MEHLISCH:** It's Sept. 19, 1978, and it's one of those sticky final days of summer that remind you that the balmy weather of fall is on its way.

Robert Davis is 13. He's shooting hoops at a park in his South Bronx neighborhood.

Like he usually does during his free time. He's joined by two older boys and they play for a bit.

As the game ends, they ask Robert if he wants to rob someone. He agrees, and the three boys enter a subway station together.

When Robert emerges from the subway three hours later, a 19-year-old man is dead.

And according to the state of New York, Robert's childhood is over.

*["Lakkalia" music ends.]*

*[Shoe Leather theme music begins.]*

**MEG:** I'm Meg Britton-Mehlisch...

**ALLIE:** And I'm Allie Pitchon.

**MEG:** This is Shoe Leather, an investigative podcast that digs up stories from New York City's past to find out how yesterday's news affects us today.

**ALLIE:** In this season we're focusing on the 1970s. We look beyond the bell bottoms and disco to explore what made this decade notorious in New York's history.

A decade during which the Big Apple went by a far more sinister nickname:

*HUGHES RUDD: Unionized employees of New York City who face dismissal have put out a booklet describing Fun city has fear city....*

*[Shoe Leather theme music ends.]*

**ALLIE:** Travelers arriving in the city's airports were greeted with the pamphlets. There was a grim reaper on the cover and a headline that read: "Welcome to Fear City".

It warned tourists to never go out at night or venture beyond midtown. To hold their bags with both hands. To hide their valuables and always be on the alert for pickpockets.

**MEG:** In the midst of all this the clock was running out on Governor Hugh Carey's first term. He was a Democrat, up for reelection.

The biggest obstacle in his way? The accusation that he was soft on crime.

*PAT HARPER: It seems like everyday there are new reporters of teenagers committing violent crime and getting away with a slap on the wrist.*

Carey needed to do something big to save his campaign. Something that would quiet any doubt about his stance on crime.

**ALLIE:** Meanwhile, in what seemed like a world away, Robert Davis was just another kid growing up in the Bronx.

He was fresh out of the fifth grade. Only about a month into his first year of middle school.

Unbeknownst to either of them, their stories would soon intersect.

Because Carey would pass a new law....

*CAREY: We have enacted the toughest anti-crime laws in the state's history.*

One that would significantly impact who counts as a child in the state of New York. And perhaps more importantly, who doesn't.

*[Shoe Leather theme music begins.]*

**MEG:** In this episode, we go back in time to tell Robert's story.

We go to his neighborhood in the Bronx to understand where he came from.

And we try to understand how the criminal justice system treated Robert and other boys who were black.

We try to find out what happened to Robert after reporters moved on from his case.

This is Season two of Shoe Leather: New York Drop Dead.

You're listening to What ever happened to Robert Davis?

*[Shoe Leather theme music ends.]*

### **SCENE 1: Reconstructing the childhood of Robert Davis**

**ALLIE:** Robert Davis was born in August 1965. He grew up in the South Bronx, the middle child of five boys.

His mom was Norma Davis. She raised Robert and his siblings in a neighborhood tenement building near the corner of Melrose and E 157th.

The building was described by a reporter at the time as an "old, decaying apartment house."

*EARL CALDWELL: Mothers were raising these kids, but you know in the streets these kids were like their own man.*

**MEG:** That's Earl Caldwell.

*CALDWELL: They were kids but they were acting like men and doing men things.*

Caldwell wrote the line about the apartment.

He's been a journalist for over six decades. He witnessed and reported on the assassination of Martin Luther King Jr.

In 1978 he was just starting at the New York Daily News. His first column for the paper was about Robert.

*CALDWELL: One of the things that I got panned as being was a reporter, Black journalist who was effective in linking up with the young Black generation.*

There weren't a lot of Black journalists at major papers then.

Caldwell says sometimes, he wasn't much older than the kids he interviewed.

**ALLIE:** But Robert – he was barely a teenager....

In the fall of 1978, Robert was 13-years-old and in the sixth grade. He was just starting at I.S. 162, a middle school in the South Bronx.

We tracked down a yearbook from back then... It's 42 years old, but the signatures show that middle school humor has always been the same.

*MEG: They're all so young.... There's someone here that wrote peace, love and in a separate pen 'sex '79'....*

*[laugh]*

We wanted to find people who might have known Robert back then....

*LALANE MOORE: The reason a lot of our parents put us in that particular school was because it was a new school and it was actually a really good school....*

That's LaLane Moore. She didn't know Robert, but she attended IS 162 at the same time that he did.

*LALANE: In that school, it was cool to be smart. Everybody wanted to be smart.*

*LALANE: So, they promoted academic success in that school, in the middle of the ghetto, quote, unquote. And I say that with air quotes, but in the middle of that environment, the school promoted academic success.*

**MEG:** To LaLane and many other students, the school was a safe place where students felt invested in and nurtured.

But that investment was an exception, not the rule for many Black kids.

*NATALIE BYFIELD: My name is Natalie Byfield. I am a professor of sociology at St. John's University. And I'm also the founding director for the Institute for Critical Race and Ethnic Studies at St. John's. And I am the author of Savage Portrayals, Race, Media and the Central Park jogger story.*

Byfield told us that in the 70s and into the 80s, New York began cutting funding to Black schools and neighborhoods.

*BYFIELD: The city was going through this period of white flight, you had Blacks and Latinx people moving into areas of the city that were previously occupied by middle class or lower income whites and the resources in those communities being pulled out.*

*BYFIELD: And the children coming up now in those spaces, the black and brown children coming up in those spaces, were deprived.*

The money the city could spare went to rebuilding financial and commercial regions of the city.

*BYFIELD: That didn't include communities of color now.*

*LALANE: When we think about how people complain about Black people not you know, quote unquote, pulling themselves up by their own bootstraps. That's bullshit. Because, you know...*

*JOHN MOORE: We had programs...*

*LALANE: Historically we have...*

*JOHN: We had programs that would support us to success...*

*LALANE: Right!*

*JOHN: And they cut those programs.*

*LALANE: And they cut those programs.*

That's John in the background, LaLane's husband. He also went to middle school at IS 162.

*JOHN: They left us out there to fend for ourselves.*

*LALANE: Right they threw those kids out to the streets after hours and...*

*JOHN: Right and there wasn't a successful kid, not one successful kid...*

*LALANE: ...Right...*

*JOHN: ...coming out of the neighborhood....*

*LALANE: Right.*

*LALANE: So now you've just got kids hanging out on the streets, what do you think is going to happen.*

*[ "Sylvestor" music transition.]*

## **SCENE 2: Carey and the conversation on crime**

**MEG:** Hugh Carey was one of the politicians who increasingly turned to the promise of cracking down on crime to gain popularity. Even before he became governor.

*CAREY: The safest place in New York City today is on the Long Island Railroad going home at four o'clock in the afternoon, because the cops are going back to Valley Stream where they live.*

*[Pete Hamill laughs]*

That's Carey in a radio spot in his 1969 campaign for Mayor of New York.

*CAREY: We want to get that policeman back in the neighborhood. That's where to begin.*

He's kind of this big bouldering Irish Catholic guy. He's got prominent, dark black eyebrows and short-cropped black hair parted to one side. He's the kind of politician who's quick with a joke but also takes no nonsense.



He talked with New York Magazine reporter Pete Hamill. They talked about getting cops to move back into the city – back into the neighborhoods they police.

*CAREY: And then he'll be right in there with the fella with the bicep and the lower middle income fella. And he'll be telling his friend, the policeman, what's wrong in the neighborhood, and the policeman will help him not against the Blacks, not against the Puerto Ricans, because they'll all be standing in there together helping to build that Block Association in the block and build into a better city.*

Carey doesn't win this race — in fact he drops out before it's even done.

But when he runs for Governor of the state in 1975, this time he wins. And he goes back to his plan on 'getting tough on crime.'

*CAREY: A government that does not protect people against violence is a government that fails its very justification for existence....*

*[Applause]*

That's from his inauguration speech in 1975.

And Carey would eventually make good on that promise. Only it would be children – as young as 13 – who would become the target of the get tough on crime campaign.

The law would have no mention of race but voters would know it was meant to fix the problem of “black juvenile crime.”

*BYFIELD: We have throughout the 70s, into the 80s, and into the 90s, not just a push back against the the developments, the positive developments that came out of the civil rights movement, but a push back, that includes this step up in criminalization.*

*BYFIELD: And then in the context of the drug wars you get policing taking place in a way that absorbs all of the the the history, you know, the history of this culture, in terms of the way black children are viewed.*

*BYFIELD: And so what is a black child? It's just a younger criminal.*

### **SCENE 3: The Dog Whistle**

**ALLIE:** Now, it's important to add some context here.

During slavery, the dominant stereotypes of Black people were that they were ignorant and childlike, but also docile and generally harmless.

It wasn't until after slavery ended that whites coined the idea of the "Black peril". They portrayed Black people as savages who would return to their violent ways if they were freed from white control.

*[Music from DW Griffith's 1915 Birth of a Nation—dramatic violin crescendo— begins.]*

**MEG:** In 1915, a silent movie called Birth of a Nation was one of the most watched films in America.

It was based on the book by Thomas Dixon Jr. called The Clansman. It's perhaps the most salient example of the emerging Black man as Brute stereotype.

It glorified the Ku Klux Klan and violence against Black communities.

It was also the first movie ever to be played in the White House.

**ALLIE:** The music that you're hearing now? That's from a scene in the film in which a white woman chooses to throw herself off a cliff rather than be sexually assaulted by a Black man.

*[Music from DW Griffith's 1915 Birth of a Nation ends.]*

The myth of Black men and boys as over-sexualized brutes raping helpless white women in epidemic numbers soon permeated every level of American society. Best-selling novels, scientific journalism, and movies alike pushed this stereotype. It would become the primary justification for lynchings across the country.

Black children were no exception.

Here's Professor Byfield again.

*BYFIELD: As a result of systemic racism over time, you know, this is hundreds of years, the, the way in which black children have been thought of are as a problem.*

*["Neon Drip" music begins.]*

## Scene 4: “Juvenile Crime”

**ALLIE:** In June of 1978 the hysteria around juvenile crime in New York hit its peak.

In that month, the newspapers and local stations were focused on a Black teenager from the Bronx.

Willie Bosket Jr.

Willie was a 15. He was charged with killing two people and shooting at another in the Bronx and Harlem subways over the course of nine days.

*JIM LEHRER:.... Two weeks ago a fifteen year old New York City youth admitted killing two subway passengers and attempting to kill its own weight motor man....*

The press nicknamed him the “Baby-Faced Butcher”.

**MEG:** Bosket was born in Harlem.

His father, Willie Senior, was sentenced to life for killing two people in Milwaukee.

ALLIE: His mother had a string of abusive boyfriends, and his grandfather began sexually abusing him at 9 years old.

Willie junior started getting into serious trouble by the time he was 10.

That’s when he hit one of his mother’s boyfriends with a pipe and slashed another with a knife while trying to defend her.

He skipped school, picked pockets, started fires and got into fights. He even stole a car.

A psychiatrist would eventually call him the “saddest little boy she’d ever seen.”

*[“Neon Drip” music ends.]*

Because Bosket was only 15, his case went to Family Court. He pled guilty to both subway murders and got the maximum sentence at the time....

*LEHRER:...despite a long history of violent crime he was sentenced to five years in a youth detention center. The judge had no choice because that was the maximum punishment allowed under New York Law.*

...five years in a detention center. It outraged New Yorkers.

The case became an instant scandal for the Carey administration at the worst possible time.

## **SCENE 5: CAREY**

**MEG:** Carey had taken a political hit earlier in the campaign for opposing two death penalty bills. New Yorkers wanted accountability for criminals. They supported the death penalty.

A poll in the final months of the election found that Carey had only a two point lead with voters who said crime was a “very important” issue.

At a fundraiser that summer, a reporter asked him if he’s going to get involved personally in the Bosket case.

*[Ambient jazzy music heard in the background of a hotel.]*

*CAREY: I’ve been involved since the day when, frankly, I said that our division for youth should never have turned this person loose. — but this was a case where the system broke down. And when the system breaks down, you make sure it’s not going to happen.*

*[Ambient jazzy music ends.]*

**ALLIE:** Carey was running against Republican Minority leader Perry Duryea.

*[Ambient TV static begins.]*

*DURYEA CAMPAIGN AD ANNOUNCER: Perry Duryea for governor.*

*[Ambient TV static ends.]*

Duryea attacked Carey for being soft on crime.

He promised that his administration would charge children as young as 13 for certain violent crimes.

*[Ambient TV static begins.]*

PERRY DURYEA: Your rights —not those of criminals are my chief concern.

*[Ambient TV static ends.]*

**MEG:** Carey had opposed Duryea's efforts to have juveniles tried as adults for certain serious crimes. But the "Baby-Faced Butcher" changed everything.

*["Plasticity" music begins.]*

Under the pressure of a public outcry, Carey called for a special legislature to pass the Juvenile Offender Act of 1978.

*CAREY: In order to get it done, and just keep society safe from this type of person, I need the legislature Republicans to come back to Albany and pass my criminal justice package.*

**ALLIE:** It was a seismic shift to the criminal justice system. One that would mean

13, 14 and 15-year olds would now be treated as adults and face adult penalties for their offenses, including a life sentence.

When WPIX reporter Jeff Kamen polled Brooklyn kids about the change, even they supported it.

*JEFF KAMEN: Anybody else here have any thoughts on the Governor's idea? Do you think it would work that it would reduce youthful crime?*

*BOY: Yeah, it would reduce.*

*KAMEN: Why?*

*BOY: Cause they get over they do lesser time if they're young. But if they're treated as an adult they do more time and they're treated more strict, you know.*

*KAMEN: You done any time?*

*BOY: Yeah I did 18 months in Warwick.*

*KAMEN: What'd you do?*

*BOY: Conspiracy to commit murder.*

*KAMEN: Did the guy die?*

*BOY: Huh, he died. Yup.*

*KAMEN: And what would you have gotten if you'd be tried as an adult for that?*

*BOY: I dunno, I think I would have gotten 15-to-life.*

**MEG:** It was an instant selling point for the Carey campaign.

*["Plasticity" music begins.]*

*[Ambient TV static begins.]*

*CAREY CAMPAIGN AD ANNOUNCER: Under Hugh Carey, we have the toughest anti crime laws ever, and some violent juveniles can be set away for life. That's a fact. The more you know the facts, the more you know Hugh Carey's right for governor.*

*[Ambient TV static ends.]*

*BYFIELD: When legislators advance acts like the one that allowed for 13 year-olds to be tried as adults, the people who are voting for this are not necessarily thinking they're going to be white 13-year-olds. They see — they identify Blackness, brownness and criminality. So they in they're minds they're thinking the Brown kids and the Black kids they're the ones. They're the ones that are going to be dealt with, because they're the ones who are the problem. And they're the problem that is going to be addressed with this legislation.*

*["Fifteen Street" music transition.]*

**ALLIE:** On Sept. 1, 1978, the law went into effect— just three weeks after Robert Davis' 13th birthday.

*["Fifteen Street" music ends.]*

**SCENE 6: A subway arrest.**

[Ambient sound of people paying with tokens in the 1970s subway.]

**MEG:** The New York City subway was already notorious for being dirty and dangerous.

The Fear City pamphlet warned tourists to take cabs or walk. They should avoid the subway if they didn't want to get mugged.

After Willie Bosket's case, the subway would hold an even more salient place in New Yorkers' collective imaginations.

**ALLIE:** Robert's case —like Willie's— started in a subway.

When Robert was approached by the two older boys about robbing someone, he was playing basketball; probably at St. Mary's park. That's where LaLane and John said most kids from the school and neighborhood went to play.

It was also only eight blocks away from where Robert lived, and three blocks away from the subway station at 3rd Ave. and 149th St.

At that station you can ride the 2 line — known as the Deuce — for about 25 minutes up to White Plains Road and 225th Street.

*[Ambient sounds of the 2 line driving by and people walking around a subway station.]*

**MEG:** As the boys were making their way deeper into the Bronx, 19-year-old John Hernandez was headed home. On this night, he had precious cargo in tow.

Just four months earlier he'd married Tamara. They'd just moved to a new apartment. On this night John was headed home with an antenna to match the TV set he'd recently bought Tamara.

He was standing on the White Plains Road and 225th Street Station, with the antenna under one arm and \$38 in his pocket.

*[Ominous "Vulcan Street" music begins.]*

The boys approached him. He was just five blocks from home.

The boys told him to give them his money. John refused and tried to fight them off.

Then, one of the boys pulled a gun. He shot John in the stomach.

The boys scattered, and left John lying on the platform.

According to newspaper articles from the time, there were witnesses. They gave police descriptions of the boys. Reuters called Robert a “peanut-sized youth with an Afro hair-do.”

John was taken seven blocks to Misericordia Hospital. He died that night, about an hour after the attack.

Three hours later, Robert was alone back at the 149th St. subway station. He ran into a transit cop. The cop suspected Robert was a runaway. He asked him some questions. According to court records Robert told him he had just witnessed a murder.

Robert gave a statement to police, and a few hours later, he was released into his mother’s care. But three days later, Robert was arrested and charged with murder. Of the three boys, he was the only one ever arrested or charged.

*[Ominous “Vulcan Street” music ends.]*

**ALLIE:** The news of Hernandez’s subway murder enraged New Yorkers – but it didn’t shock them. The memory of Willie Bosket’s subway murders was still fresh in their minds.

Local stations were still having a hey-day with the subway panic.

*[Funky news music begins.]*

*VOX POP: The subways are crummy, and they’re dangerous. You get pushed, you get shoved — sometimes you get mugged in the subway. During the daylight.*

*[Funky news music ends.]*

We told Lalane and John – the couple who went to Robert’s middle school – what we knew about Robert, the murder, and his confession to the transit cop.

*LALANE: Well, let me just say this first, that sounds extremely sketchy. That sounds like the Central Park Five thing...*



Lalane's talking about the 1989 criminal case over the assault and rape of a white woman who had been jogging in Manhattan's Central Park.

That's the case in which five innocent Black and Latino boys were sent away to prison until they were finally exonerated in 2002. The true attacker had confessed.

Anyway, back to Robert and the transit cops....

*LALANE: First of all, there was a code, okay? So, you're not a rat...*

*JOHN: And you're not going to walk up and tell a cop what you saw....*

*LALANE:...You're not gonna walk up to police officers and just confess anything you saw.*

*JOHN: You go to a beat cop and tell the beat cop you saw a crime, they will walk you back to the crime scene.*

*ALLIE: The officer who picked him up was a transit policeman.*

*LALANE: A transit cop. Well....*

*JOHN: You know at that time a lot of the transit cops were doing setups.*

*ALLIE: Really?*

*LALANE: Yeah, those were sting operations. On the train.*

*JOHN: Those were sting operations on the train.*

**MEG:** Back then, the transit system had its own Police Department; special cops who would walk the platforms and subway cars. The agency was eventually absorbed by the NYPD in 1995.

Alberto Hernandez grew up in the Bronx at the same time as Robert, he also went to IS 162. He experienced subway policing first-hand.

*ALBERTO: Someone passed me their train pass, and I went through, and that day they were doing a sweep. So I got swept up with everybody else that was beating the fare. And we all*

*got cuffed and put on a—put on a city bus and driven to the precinct so that they could run all our names to make sure that we didn't have any warrants or anything like that.*

*ALBERTO: I think it was actually, probably my 16th, 17th birthday. Just from that experience alone, I think we were treated... I don't know, like, they assumed that if you were a teenager you were, I don't know. A criminal.*

*[Music transition.]*

## **SCENE 7: The boys of Rikers**

**ALLIE:** After Robert was arrested, the Juvenile Offender Act of 1978 had already been passed. Robert – a kid in middle school – would be among the first group of boys to be held at Riker's Island.

It would become well-known for its abusive treatment of inmates in the decades to come.

For years young boys charged as adults would be held at Rikers. And if you were a kid from the Bronx, you were even more likely to end up there.

**MEG:** That's according to a government report from 1980.

New York's Division of Criminal Justice Services found that from 1978 and to 1980, 2,099 juveniles were arrested for crimes as adults. About one in five of those arrests took place in the Bronx.

And more than half the kids were sent to Rikers. They spent anywhere from a day to 15 months there.

And the boys from the Bronx – they consistently spent more time in Rikers, unable to make bail while their trial went through criminal court.

Earl Caldwell, the journalist, wrote about these kids when he was with the New York Daily News.

*CALDWELL: And a lot of them were good kids but the lives they were in they didn't stand a chance....So many of them got swept up in the criminal justice system.*

Eventually hundreds of teenaged boys would make their way to the island-turned jail.

*["Sunday Lights" music begins.]*

But Robert was the first. The youngest. The inmate the other prisoners called "The Kid."

### **SCENE 8: The Trial of Robert Davis**

**ALLIE:** Robert's trial exploded overnight, and quickly became a media circus. His case was portrayed by the press as the first major test of New York's new juvenile offender law.

Robert was defended by Stanley Green. Green was a young lawyer who took the case as a court appointed attorney.

*["Sunday Lights" music ends.]*

*GREEN: Well, I remember—I remember the case obviously. We, umm, we umm had the case and he was the first 13-year-old and indicted as an adult under the then new felony law. I just happened to pick it up. And then I could picture it as clearly as it could be: The first day after arraignment in the basement of the criminal court building, the place was filled with the press. And I mean it was a whole big deal...*

*MEG: Uh huh.*

*GREEN:...and it went on from there.*

In courtroom sketches, Green has curly, bright orange hair. He wears those too-large, wide-rimmed round glasses that were popular in the 70s.

Robert looks small sitting next to him. His hair is in an afro, and he's wearing a white turtleneck under a sweater with green, blue, and red stripes. Robert's mom is behind them. And so is John Hernandez's family. John's mom and Tamara are crying.

**MEG:** Since Robert was being tried as an adult instead of a child, his case was held at the Bronx Criminal Court instead of Family Court. This meant that at first, his case was open to the public. That wasn't usually the case for children.

Green was worried that all the exposure would prejudice the jury against Robert. So he asked the judge to close the court to the media. Initially the judge denied Green's motion.

*GREEN: But the next day he came in and he said, I've seen everything in the newspapers and everything about this. I'm going to reconsider the motion to close the courtroom.*

Judge Howard Bell was getting pressure from media attorneys as well as the DA to make an example of Robert's case.

*GREEN: So he gave the press and the DA a day to come in to argue the issue. And so the next day, our dear friend Rudy Giuliani, who was in between gigs in public office... and he came in representing the Daily News and the rest of the press and argued in favor of keeping the courtroom open. He said don't worry, I've been involved in plenty of high profile cases. You just do what I say judge. And the judge said I don't think so. And he closed the courtroom.*

*[Music begins.]*

**ALLIE:** The New York legislature also found itself embroiled in a battle. Challenges to the Juvenile Offender statute arose almost immediately after the law was introduced. One of those challenges came from the Citizens' Committee for Children of New York.

It was a watchdog organization for children. It created a Task Force to monitor the new Juvenile Offender Law. Less than a year after the law went into effect, it produced a report.

**MEG:** The data the authors collected was stunning – but perhaps not surprising.

In the first six months of the new law being in effect, 754 children were arrested, 75 percent were Black, 20 percent had Spanish surnames, just 3 percent were white.

**ALLIE:** In early January of 1979 – less than a year after the law passed– there were 34 black teenagers and 12 with Spanish surnames locked up at Rikers. Most of whom– like Robert– had not been able to make cash bail.

There were no white teens jailed at the facility.

According to the report, this was because a large percentage of white juvenile offenders were either able to pay bail or were released on their own recognizance. That's a fancy term that means that they didn't have to pay bail.

Instead, they only had to sign a written promise to appear in court as required. Most of the kids who weren't white, didn't have that same option.

*[Music ends.]*

By 1979 under increased pressure from watchdog groups, the New York legislature amended the juvenile offender law once again.

*MEG: I didn't realize this. This is from August 11, 1979. So apparently while he was in jail they change the law again, and it says that now a kid the age of Robert Davis cannot be charged or incited for felony murder, only intentional murder...*

**MEG:** This is an important distinction.

Felony murder is when a person commits a felony crime like robbery and someone dies because of that crime. Intentional murder is more of your garden variety murder. The kind most people think of when you hear the word. It's a crime done with the express intent to kill someone.

In Robert's case, the DA never argued that Robert was the one that pulled the trigger. They specifically said in interviews they didn't think he had.

So with this change, Robert's case was being transferred to Family Court. He could no longer be tried as an adult under the newly amended law.

*GREEN: ... Once we got to Family Court, we really didn't have any defense. I mean Robert was 13-years-old how helpful could he really be at anything...And that, that was the end of it.*

But as we would later find out, that was absolutely not the end of it.

## **SCENE 9: What happened to Robert?**

**ALLIE:** Let's go back in time for a sec.

We started looking for Robert back in February. He was so young when he got caught up in all this, and there were so many adults who spoke for him. We wanted to talk to him– to get his side of things.

We looked everywhere, but unfortunately, Robert Davis is a very common name. The kind of name that feels like a needle in a haystack when you're looking for someone online.

And all we really knew about him other than his name was the name of the middle school he once attended over four decades ago, the first name of his mother, the address of an old tenement building he once lived in, and his birthday.

*MEG: Yeah it's tough because Robert Davis is such like a generic name, unfortunately ...*

*ALLIE: Yeah, right? This is the sixth grade class so it is the one he would have been in*

*MEG: He was thirteen. Are you in sixth grade at 13?*

**Meg:** Most of the people who worked on his case were dead,

*MEG: I had Merola as the DA at the time....*

*GREEN: Yeah, yeah, yeah. He's long dead.*

*MEG: Yeah.*

... and either didn't really remember Robert, or had no idea what happened to him. Once his case no longer occupied the front pages of New York's papers, it was like he had vanished from the face of the earth.

We knew getting an idea about Robert's time in juvenile detention would be almost impossible without his help. In New York juvenile records are private documents.

But we searched prison records anyway. And we got a hit.

*MEG: So I did a New York department of corrections search....*

*ALLIE: Yeah*

*MEG: And I put in Davis, Robert, 1965 is the birth year, and I'm getting four results and the second one is...*

*ALLIE: August 7th, that's his birthday.*

*MEG: August 7th 1965! It says he was released and that he was last held in Sing Sing.*

*Oh man....*

*[Allie laughs]*

MEG:... and the internet just went out, which is... ahhh *[faintly.]*

**ALLIE:** Robert went to Sing Sing when he was 21 years old– from 1986-1991.

The prison record was another clue. We turned to Lexis Nexis. It's a powerful public records resource. It basically scrapes information from 10,000 different online sources. If you were going to find a needle in a haystack, LexisNexis would be your best bet.

When we used the database before, the results had been too vague. There's a lot of Robert Davises in New York. But with the prison records we were able to narrow the results.

We landed on one profile.

MEG: *Oh shit.*

ALLIE: *What's up?*

MEG: *I think I just found him.*

**MEG:** We did find him – but not before hitting a few more snags.

Robert Davis had changed his name. And whatever happened to him?

Using social media we got a clearer picture of what his life had looked like over the years.

He was released from prison at 18, was out for three years, and was then imprisoned again until he was 26. We couldn't find any other prison records for him after that, so he probably didn't go back. He's 55 now. He's Muslim. He has two daughters. He writes poetry, and music.

His music profile has over 2,000 followers. He raps about growing up in tenements and being caught up in a cycle of poverty and violence.

*["I Hate Snakes" by Titanium Black begins.]*

We also know that for the last few years, Robert has experienced homelessness, living in shelters on and off.

*["I Hate Snakes" by Titanium Black ends.]*

**ALLIE:** We passed on a letter to Robert through his former partner. We told him we wanted to hear his side of the story, and left our contact information. But we haven't heard back.

Robert changed his name – chances are he didn't want to be found.

*["Historical" by Titanium Black begins.]*

## **SCENE 10: Making sense of it all**

*["Historical" by Titanium Black ends.]*

**Meg:** We're still living with the echoes of the Juvenile Offender Law and Robert's case today.

Remember Morningside Park where cop cars sit on the edge of the basketball court? In December 2019 it was the site of a murder.

*Newsreel: Police have arrested a juvenile suspect in the connection with the stabbing death of 18 year old Barnard College student. Her name, Tessa Majors.*

Tessa Majors, was a first year student at Barnard College. She was crossing through the park on her way home from campus. She was headed down some stairs when she ran into three boys. A 13-year old and two 14 year olds.

The boys tried to rob her. One of the older boys used a knife to stab Tessa when she tried to fight back.

*Newsreel: The December 2019 murder of Barnard College freshman Tessa Majors inside Manhattan's Morningside Park indeed triggered an urgent conversation about safety concerns.*

**Allie:** In some respects Tessa Major's murder stuck out to New Yorkers because she was white and the boys were Black.

But it stood particularly large in the imagination of white New Yorkers for another reason too: because it crossed a buffer zone. One defined by Morningside Heights.



On one side– is Columbia University. A neighborhood that is nearly 50 percent white. On the other side– Harlem – a majority black neighborhood.

The city's reaction to the murder? To reinforce that boundary line.

*[The sound of basketball playing begins.]*

Remember that cop car – the one that watches the kids play basketball? It sends a very clear message: You're not a child. You're a threat.

*[The sound of basketball playing ends.]*

*[Shoe Leather theme begins.]*

## **CREDITS**

**MEG:** Shoe Leather is a production of the Columbia Graduate School of Journalism. This episode was reported, written and produced by me, Meg Britton-Mehlisch.....

**ALLIE:**....and me, Allie Pitchon.

**MEG:** Joanne Faryon is our executive producer and professor. Rachel Quester and Peter Leonard are our co-professors.

Special thanks to Columbia Journalism Librarian Kristina Williams, Columbia Digital Librarian Michelle Wilson, Michael Barbaro from *The Daily*, civil rights attorney Ron Kuby, Madeleine Baran and Samara Freemark from *In the Dark*, Emily Martinez and David Blum from Audible, Susan White from Garage Media,

**ALLIE:** Professor Dale Maharidge, Feven Merid, Elize Manoukian, Rachel Pilgrim and Josh Lash. Additional sound mixing by Peter Leonard.

**MEG:** Shoe Leather's theme music – 'Squeegees' – is by Ben Lewis, Doron Zounes and Camille Miller, remixed by Peter Leonard. Other music by Blue Dot Sessions.

To learn more about Shoe Leather and this episode go to our website [shoeleather.org](https://shoeleather.org). To stay up to date on the latest Shoe Leather happenings, follow us on social media. We are on facebook at [facebook.com/ShoeLeatherCast](https://facebook.com/ShoeLeatherCast) and on instagram and twitter @ShoeLeatherCast.

*[Shoe Leather theme ends.]*

---

**← PREVIOUS**

**The Fight for Sydenham Hospital**

---

**NEXT →**

**The Bronx is Burning**

This podcast is published in partnership with [Columbia University Libraries](#).



All rights reserved. Please contact our podcasters for further information or permissions. Contact information can be found at the end of each episode's transcript.



Columbia University in the City of New York

**Columbia Journalism School** 

 columbia university libraries logo

Columbia University Libraries Podcasts