

Justice delayed 42 years in Pioneer Hotel fire is a blot on legal system

Our view: Pioneer fire investigation was steeped in racism, and doubt was ignored

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The front row of a Pima County Superior Court room told the story of the Pioneer Hotel fire.

The front row is usually reserved for victims and their families. Early on Tuesday morning, it was filled with supporters of Louis C. Taylor, the man who was about to be freed after 42 years in prison, convicted of intentionally setting the fire that killed 29 people at the Pioneer in December 1970.

Taylor has steadfastly maintained his innocence since he was arrested. Problems with his trial, questions about the legitimacy of investigators' methods and evidence have long raised doubts about his conviction. Finally, Pima County prosecutors agreed to an arrangement by which Taylor pleaded no contest to 28 counts of murder - not a guilty plea and not a legal exoneration.

But he is free.

On Tuesday many of the people who worked for years for Taylor's release gathered in anticipation. They filled that first row, people from the Arizona Justice Project, which had worked for years on his case, along with men he'd met in prison who'd come to watch their friend set free.

Shortly before Taylor was brought into the courtroom, a woman came in and announced that the front row was reserved for the victims. The short pause asked the question- who are the victims in this case? The answer depends on your point of view.

Taylor's supporters stepped aside as family of those killed filed in and took their seats. The mood in the courtroom shifted, as the presence of those 29 people, and the utter tragedy of that December night, became real.

One man, Paul d'Hedouville II, gave voice to the dead. He was 4 when his father, an attorney who had just made partner, was killed at the Pioneer. The courtroom fell silent as he spoke from the witness stand, just a few feet from Taylor.

The men looked at each other as he spoke. "Do as you choose, Mr. Taylor, but choose wisely," d'Hedouville said. "Do not waste your new beginning at life."

The duality of the case, where an unjust investigation and trial sullied any result, is a lasting bruise on the legal system.

Taylor, then 16, was the only suspect in the fire. A smoker, he had matches in his pocket and was known by police for small-time offenses like petty theft and truancy. He was an easy target.

One of the details unearthed by the Arizona Justice Project is from a recent deposition by the original fire investigator who testified that the fire had been set intentionally.

About 10 days after the fire, investigator Cy Holmes walked through the hotel and concluded that the arsonist was about 18 and black. He told Taylor's attorney, Ed Novak:

"Blacks at that point, their background was the use of fire for beneficial purposes. In other words, they were used to clearing lands and doing cleanup work and things like that, and fire was a tool. ... In other words, you're comfortable with it. And if they get mad at somebody, the first thing they do is use something they're comfortable with. Fire was one of them."

Those words are astounding today, but not of the time. The Civil Rights and Voting Rights acts had been law for less than a decade.

Holmes said he told city officials about his conclusion, but it didn't come up during the trial. If jurors had heard that flimsy analysis and racial bias embedded into the investigation, perhaps the jury would not have been persuaded to discount a plethora of reasonable doubt.

Taylor has his freedom, but his path won't be easy. The world is vastly different from the last time he was part of it.

The Pioneer Hotel fire case is a reminder that justice is not always done. We remember the 29 people who perished, their families and loved ones. And as Superior Court Judge Richard Fields said at the end of the Tuesday hearing, "Welcome back, Mr. Taylor."

Ariz. Justice Project

The Arizona Justice Project has been helping to overturn - and prevent - wrongful convictions in Arizona for 15 years. When it was established in 1998, it became the fifth organization in the United States created to help inmates overturn wrongful convictions. Today there are more than 60 similar organizations throughout the country.

For more information about the justice project, or to make a donation, go to www.azjusticeproject.org

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