

## Wrongful Conviction Hall of Honor

Wrongful convictions are not a recent phenomena. They have occurred during the thousands of years since people first began organizing a tribunal of some sort to determine whether a person would be judged guilty of committing an act that was deemed to be criminal. However, the near instantaneous communication techniques available today may make it seem to the uninitiated that their prevalence is unique to our age.

The correction of a wrongful conviction, publicizing their occurrence, and analyzing their causes or prevention only occurs because of the efforts of interested persons. There have been many such people through the years, and *Justice:Denied* is inaugurating a Wrongful Conviction Hall of Honor to publicly recognize the contribution these people have made in one form or another, to rectifying, alleviating, or publicizing wrongful convictions.

The initial eight honorees are a diverse group. Two are from England, one is from France, one is from Germany, and four are from the United States. They include two authors, a law professor, an actor, a movie director, a seminary graduate, and two lawyers. Six are deceased. What they share is a personal significance when looking at wrongful convictions from a historical perspective. These eight are far from being the only people deserving of recognition. Their accomplishments, however, sets a standard to evaluate future selections. In the order of their birth, the eight honorees are:

- Voltaire. 1694-1778. Father of the innocence campaign and compensation after exoneration. (See p. 29)
- Max Hirschberg. 1883-1964. A wrongful conviction lawyer, and the author of many articles and a 1960 book about wrongful convictions. (See p. 27)
- Edwin Borchard. 1884-1951. Pioneer advocate of wrongful conviction compensation in the U.S., and the author of a 1932 wrongful conviction book. (See p. 24)
- Erle Stanley Gardner. 1889-1970. Founder of the world's first innocence project and publicist of wrongful prosecutions in books, and on radio and television. (See p. 23)
- Alfred Hitchcock. 1899-1980. Director of many movies portraying the plight of a wrongly accused person. (See p. 24)
- David Janssen. 1931-1980. Portrayed Dr. Richard Kimble's four-year search for evidence to exonerate himself of murder as millions watched *The Fugitive* weekly. (See p. 25)
- Gareth Peirce. Living. Wrongful conviction lawyer whose many successes inspired creation of England's Criminal Case Review Commission. (See p. 21)
- James McCloskey. Living. Founder and director of Centurion Ministries, the United States' oldest innocence project. (See p. 20)

Following this introduction are articles about each of the eight honorees.

The search for difficult truths has defined James (Jim) McCloskey's life, the founder of Centurion Ministries, the oldest innocence project in the country.

### James McCloskey – Founder Of The Oldest Innocence Project In The U.S.



By Elizabeth Perry

Centurion Ministries is a secular organization that has freed 40 people convicted of crimes they did not commit through exoneration or early parole by exhaustively re-examining their cases and finding new evidence.

McCloskey left a successful career in international business after feeling compelled by God to join the ministry. His life changed again when he met an innocent man in prison and couldn't walk away.

"The Jim McCloskey the world knows now is not the Jim McCloskey his friends knew. They were shocked when he decided to do this," said Kate Hill Germond, Assistant Director of Centurion Ministries.

She marvels at McCloskey's decision, knowing it didn't come easily.

"For me, I've always done this but for Jim, he hasn't—but then his heart changed." says Germond.

Jim McCloskey grew up in suburban Philadelphia and graduated from Bucknell University in 1964. McCloskey was awarded the Bronze Star for courage under

fire as a naval officer in Vietnam, though he declined to discuss the circumstances, saying he did "nothing really heroic."

McCloskey excelled in the business world, working as an executive in Tokyo and Philadelphia. Despite his outward success, McCloskey struggled inwardly.

"I didn't share my decision to leave the business world with anyone. It took two years to come to the decision and the only person I consulted with was my minister." he says.

McCloskey entered Princeton Theological Seminary in 1979, and in 1980 was assigned to chaplain Trenton State Prison where he met Jorge De Los Santos.

McCloskey became convinced De Los Santos was innocent. He delayed his studies for a year to prove it. When he told his parents "they thought all kinds of dark thoughts but eventually came to support me."

"He had to right a wrong, and that became his life's work." says Germond.

Through McCloskey's efforts, De Los Santos was freed in 1983. After McCloskey earned his degree, several things coalesced, causing him to incorporate Centurion Ministries that same year.

De Los Santos introduced him to two other New Jersey inmates he believed were innocent. His parents gifted him \$10,000 which could be used as "seed money." Then McCloskey had a dream he came to see as a spiritual message.

"I had a dream I was in Vietnam in the Mekong Delta," says McCloskey. He describes standing on a riverbank and a boat loaded with Vietnamese villagers sank before him. Just as he was mourning their fate, a helicopter full of green berets appeared in the sky. They dove into the churning water and saved the Vietnamese.

McCloskey decided, "I am going to come to the prisons and bring them out."

Centurion Ministries is named after the Roman Centurion who stood at the foot of Christ's cross and said, "Surely, this one is innocent."

For the first seven years of the project, McCloskey's worked and lived rent free in

**McCloskey cont. on page 21**

Gareth Peirce is one of Great Britain's most prominent lawyers, and she definitely fits being described as 'one of a kind'.

Prior to entering into the legal profession, Peirce was in her mid-20s when she moved to the U.S. in the 1960s to work as a journalist. Among her assignments was following the civil rights campaign of Martin Luther King. After returning to Great Britain in the early 1970s, Peirce earned her law degree and began working at Benedict Bimberg's law firm, which was known for representing people in unpopular and controversial causes. Peirce was 38 when admitted as a solicitor in December 1978. <sup>1</sup> Eschewing a career as a highly paid corporate lawyer, she continued working with Bimberg, and became one of her era's most effective human rights lawyers.

Among Peirce's many accomplishments during her career, is she was the key person responsible for the exoneration of the Birmingham Six. Those six men, all alleged by the prosecution to be Irish Republican Army (IRA) members, were sentenced to life in prison in August 1975 after being convicted of 21 counts of murder related to two Bir-

## Gareth Peirce – A One Of A Kind Lawyer

By Serena Nicholls



mingham, England pub bombings. After Paddy Hill, one of the Birmingham defendants, wrote Peirce, she became convinced of the men's innocence and began representing five of them. Over a period of years she discovered the police fabricated false confessions, and suppressed forensic evidence favoring the innocence of the six men, who contrary to the government's claim were not IRA members.

The new evidence resulted in the Court of Appeal's grant of a new hearing in March 1991. During that hearing Lord Justice Lloyd stopped the prosecutor mid-sentence and announced, "we have heard enough." He then told the defendants, "In light of fresh evidence which has become available since the last hearing in this court, your appeal will be allowed and you will be free to go as soon as the usual formalities have been discharged." <sup>2</sup> The men were released after 16 years of wrongful imprisonment.

Their innocence was acknowledged by the government when they were awarded compensation ranging from \$1.7 to \$2.4 million (£840,000 to £1.2 million). <sup>3</sup> Paddy Hill acknowledges that he and his co-defendants owe their freedom to Peirce's nine years of *pro bono* work. He said after his release, "I wish you could either clone her or that there were 1,000 more solicitors like her. She's a cross between my mentor and a big sister." <sup>4</sup>

At the same time she was aiding the Birmingham Six, Peirce was engaged in a years long campaign for exoneration of the Guildford Four. Those three men and one woman were sentenced to life in prison after being convicted in 1975 for the IRA bombing of a Guildford, England pub in 1974 that killed five people and injured sixty-five. <sup>5</sup> The Guildford Four lost their appeals and languished in prison for years, even though during their 1977 trial the IRA's Balcombe Street gang instructed their lawyers to 'draw attention to the fact that four totally innocent people were serving massive sentences for the Guildford bombing.' <sup>6</sup>

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## McCloskey cont. from page 20

the home of an elderly woman in exchange for help running errands.

After reading a *New York Times* article about McCloskey and Centurion Ministries in 1986, Germond felt compelled to join his crusade.



Kate Germond

"I thought he needed my help to organize the work and generally be a partner," says Germond.

"She's amazing and I'm lucky to have her. So are a lot of other people," said McCloskey.

Germond feels the same about McCloskey. "Usually in life, familiarity breeds contempt, but there's not a day that goes by I don't stand back and marvel at what he's done. I've found what I want to do and it's because of Jim." says Germond.

Pulitzer Prize winning journalist turned private investigator Paul Henderson began working with the organization in 1988 and in 1996 he became a full time investigator.

Centurion Ministries has four full-time employees and about two dozen volunteers.

When Centurion Ministries investigates a case, McCloskey is known for getting information from suspects others can't. He ascribes his success to respect. McCloskey develops a rapport and checks any judgements at the door before he enters the individual's home.

"Most people have a heart. If you can reach the heart you get that person to talk." said McCloskey. More than anything, he simply listens.

Of the 80 wrongful conviction investigations Centurion Ministries has conducted, five individuals who made it past the initial screening process were found through their research to be guilty.

Each one hurt McCloskey's spirit, but none more than Roger Keith Coleman, a Virginia man convicted of raping and murdering his sister-in-law.

A massive effort was made to prevent Coleman's execution. McCloskey even shared Coleman's last meal — a cold Domino's pizza they ate through the bars of his cell. It took McCloskey six years to emotionally recover enough to lobby for DNA testing after Coleman was executed.

The evidence proved Coleman's guilt. Rather than running from the truth, McCloskey approached the press, pushing to reveal his mistakes as intently as he'd pushed to review Coleman's case. Despite personal humiliation and critics who tried to use this instance to undercut his life's work, he doesn't regret the effort.

**Since 1980 Centurion Ministries has aided the release of 40 wrongly convicted men and women.**

"It was the first time we convinced a sitting governor to test DNA on an already executed prisoner." said McCloskey, feeling it would

open the door to future cooperation between activists and government.

McCloskey speaks in parables and colloquialisms, often using bible quotes to illustrate his point. When asked if he does God's work, McCloskey says he's never certain, using the New Testament story of a man whose son had died to explain.

The father asks Christ if he can raise his son from the dead, to which the Lord replies "O ye of little faith."

The desperate man then prays for the faith that would allow him to believe. McCloskey says he is like this father — negotiating through his doubt in the face of staggering injustice with hope.