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Bradley R. Hall

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FOREWORD

FROM WILLIAM HENRY FURMAN TO ANTHONY PORTER: THE CHANGING FACE OF THE DEATH PENALTY DEBATE

BRADLEY R. HALL*

On January 11, 2003, Illinois Governor George Ryan visited Northwestern University School of Law and proclaimed:

[Because of] questions about the fairness of . . . sentencing; because of the spectacular failure to reform the system; because we have seen justice delayed for countless death row inmates with potentially meritorious claims; because the Illinois death penalty system is arbitrary and capricious—and therefore immoral—I no longer shall tinker with the machinery of death. . . . The legislature couldn't reform it. Lawmakers won't repeal it. But I will not stand for it. I must act. Our capital system is haunted by the demon of error—error in determining guilt, and error in determining who among the guilty deserves to die. Because of all of these reasons today I am commuting the sentences of all death row inmates.¹

With that, Ryan emptied Illinois's death row, potentially sparing the lives of 167 people.²

This was arguably the most significant moment in the recent history of

* Special Sections Editor, on behalf of the Journal of Criminal Law and Criminology. J.D. Candidate 2005, Northwestern University School of Law. I would personally like to thank the editors of this journal for working so hard to help put this symposium together and edit it on such a tight schedule, particularly Tiffani Grimes, Cindy Caillavet, David Sattelberger, Centrina Jackson, Jasmine Oberman, and Susan Tsai. I would also like to thank the many passionate and inspiring lawyers with whom I have been fortunate enough to work, including Steve Drizin, Jane Raley, Tom Geraghty, Jean Herigodt, Ty Alper, Steve Bright, Palmer Singleton, and Chris Smith. Finally, I would like to thank Amy, for her patience and support.

¹ George Ryan, Address at Northwestern University School of Law (Jan. 11, 2003), at <http://www.law.northwestern.edu/depts/clinic/wrongful/RyanSpeech.htm>.

² Maurice Possley & Steve Mills, *Clemency for All*, CHI. TRIB., Jan. 12, 2003, at 1.

the capital punishment debate.³ Not since the landmark Supreme Court case of *Furman v. Georgia*⁴ had so many death sentences been set aside in a single instant, and never before had an executive issued such a sweeping act of clemency in the death penalty context.⁵

But perhaps more important than the scope of Ryan's clemency decision was its rationale. Whereas *Furman* rested primarily on the arbitrariness of the death penalty,⁶ Ryan was motivated mainly by wrongful convictions. A spate of exonerations, particularly in capital cases, had compelled him to reevaluate his support for the death penalty, and ultimately to reject it.

Countless others have also awakened to the frightening idea that our justice system is capable of convicting innocent people and sending them to their deaths. As Joseph L. Hoffmann notes, this realization has transformed the entire focus of the debate:

This crisis of confidence has produced a massive shift in the terms of the national death-penalty debate. Ten years ago, that debate was dominated by moral/religious arguments, by disputed claims about the extent of personal moral responsibility and

³ Ryan's decision has been regarded as "the most damning blow to capital punishment since the Supreme Court struck down states' former death penalty laws 30 years ago." Reynolds Holding, *Historic Death Row Reprieve*, S.F. CHRON., Jan. 12, 2003, at A1; see also Steve Mills & Maurice Possley, *Clemency Adds Fuel to Death Penalty Debate*, CHI. TRIB., Jan. 13, 2003, at 1.

⁴ 408 U.S. 238 (1972). In 1967, William Henry Furman entered a Savannah, Georgia residence late at night, armed with a 22-caliber pistol, to burglarize it. The homeowner awoke and approached from behind a closed door. As Furman stepped back to retreat, he tripped over a wire, and his gun discharged and sent a bullet through the closed door. The homeowner was struck and killed. Furman was convicted and sentenced to death. *Id.* at 295; Kevin Clarke, *Suspended Sentence: How the U.S. Almost Put Capital Punishment to Death*, SALT OF THE EARTH, at <http://salt.claretianpubs.org/issues/deathp/hiscap.html> (last visited Mar. 6, 2005).

The United States Supreme Court reversed, holding 5-4 that the death penalty as then administered was unconstitutional. *Furman*, 408 U.S. at 239-40. In addition to Furman himself, 611 death row inmates in thirty-one states had their sentences reduced to life imprisonment. Joan M. Cheever, *A Chance Reprieve, and Another Chance at Life*, N.Y. TIMES, June 29, 2002, at A15 (Op-Ed).

Four years later, in *Gregg v. Georgia*, 428 U.S. 153 (1976), the Court held that newly enacted state death penalty statutes passed constitutional muster, thus allowing the resumption of capital punishment in America. *Id.* at 189 (opinion of Stewart, Powell, and Stevens, JJ.).

⁵ Holding, *supra* note 3.

⁶ Justice Stewart's often-quoted rationale for *Furman* is that "death sentences are cruel and unusual in the same way that being struck by lightning is cruel and unusual. . . . [T]he Eighth and Fourteenth Amendments cannot tolerate the infliction of a sentence of death under legal systems that permit this unique penalty to be so wantonly and so freakishly imposed." *Furman*, 408 U.S. at 309-310 (Stewart, J., concurring).

free will manifested by capital defendants, and by concerns about distributional injustice in death sentencing. Today, the debate has re-focused on substantive issues of guilt and innocence: DNA exoneration evidence, mistaken eyewitnesses, lying informants, and the real or perceived risk of executing an innocent person.⁷

The most obvious manifestation of this “massive shift” has been in the movement to limit or abolish the death penalty, which has gained new traction nationwide. But the focus on substantive guilt and innocence issues has also impacted efforts to *expand* the use of the death penalty. In Massachusetts, for example, Governor Mitt Romney established a commission to study ways in which that state could reintroduce the death penalty while ensuring accuracy.⁸ And in Michigan, home to the oldest ban on capital punishment in the English-speaking world,⁹ legislators have pushed for an amendment to the state constitution that would allow the death penalty in cases where the defendant’s guilt can be proven to “a moral certainty.”¹⁰ These are only a few examples of a clear trend in the death penalty debate, with the focus shifting away from moral and procedural considerations, and toward the more substantive question of guilt and innocence.

Several months ago, the *Journal of Criminal Law and Criminology* set out to explore this trend and its impact on the larger capital punishment debate. After soliciting articles from a number of prominent professors and practitioners, we hosted a public symposium at Northwestern University School of Law in Chicago. The symposium brought the authors together to present their articles for review, ahead of publication in this issue of the *Journal*. As the articles demonstrate, each participant approached the topic from a unique angle, thus contributing to a balanced, practical, and interesting debate.

Rob Warden, an accomplished journalist and Executive Director of Northwestern’s Center on Wrongful Convictions, gives a detailed account of the events leading up to mass clemency in Illinois and the subsequent overhaul of the state’s capital punishment system. He describes the strategic planning, hard work, cooperation, and good luck that contributed

⁷ Joseph L. Hoffmann, *Protecting the Innocent: The Massachusetts Governor’s Council Report*, 95 J. CRIM. L. & CRIMINOLOGY 561, 562 (2005) (citing Franklin E. Zimring, *Inheriting the Wind: The Supreme Court and Capital Punishment in the 1990’s*, 20 FLA. ST. U. L. REV. 7 (1992); Ken Armstrong & Steve Mills, *O’Connor Questions Fairness of Death Penalty*, CHI. TRIB., July 4, 2001, at 1).

⁸ Hoffmann, *supra* note 7, at 567.

⁹ Eugene G. Wagner, *Michigan and Capital Punishment*, MICH. BUS. L.J., Sept. 2002, at 38.

¹⁰ Dawson Bell, *Death Penalty is Voted Down, Again: Strong Opposition Sinks Proposed Amendment*, DETROIT FREE PRESS, Mar. 19, 2004, at 1B.

to an entire reform movement focused on wrongful convictions. Warden's article, *Illinois Death Penalty Reform: How It Happened, What It Promises*,¹¹ conveys, in the authors words, "not only the reforms and their import but also the evolution and social context of the movement that brought them about—a movement that, for the first time in American history, spawned an effective constituency for the wrongfully convicted."¹²

Jeffrey Fagan and Valerie West, whose previous death penalty work has been among the most important in the field,¹³ have made another significant contribution to this debate with their article, *The Decline of the Juvenile Death Penalty: Scientific Evidence of Evolving Norms*.¹⁴ Publication of this article coincides with the United States Supreme Court's decision, in the case of *Roper v. Simmons*,¹⁵ that "evolving standards of decency that mark the progress of a maturing society" prohibit the execution of juvenile offenders.¹⁶ After a careful examination of nationwide trends in imposition of the death penalty, as well as the sources of these trends, the authors conclude that the Supreme Court is on firm empirical ground: "There is compelling evidence, even in the states that theoretically permit the use of the juvenile death penalty, of an emerging societal norm opposing the death penalty for juvenile offenders. . . ."¹⁷ There is also evidence that this emerging societal norm is related, at least in part, to recent capital innocence cases.¹⁸

Joshua Marquis, a prosecutor and frequent commentator on death penalty issues, offers a stinging critique of the current focus on wrongful convictions. In *The Myth of Innocence*,¹⁹ Mr. Marquis calls into question many of the abolitionists' claims and sets out to debunk the "trio of urban legends" relied on by those opposed to capital punishment: that the death penalty is racist, that those accused of capital murder receive inadequate representation, and that many people on death row are innocent.²⁰ The third of these provokes his harshest condemnation, as he presents compelling

¹¹ Rob Warden, *Illinois Death Penalty Reform: How it Happened, What it Promises*, 95 J. CRIM. L. & CRIMINOLOGY 381 (2005).

¹² *Id.* at 383.

¹³ See, e.g., James Liebman, Jeffrey Fagan, Valerie West, & Jonathan Lloyd, *Capital Attrition: Error Rates in Capital Cases, 1973 – 1995*, 78 TEX. L. REV. 1839 (2000).

¹⁴ Jeffrey Fagan & Valerie West, *The Decline of the Juvenile Death Penalty: Scientific Evidence of Evolving Norms*, 95 J. CRIM. L. & CRIMINOLOGY 427 (2005).

¹⁵ *Roper v. Simmons*, No. 03-633, 2005 WL 464890, at *18 (U.S. Mar. 1, 2005).

¹⁶ Fagan & West, *supra* note 14, at 431.

¹⁷ *Id.* at 497.

¹⁸ *Id.*

¹⁹ Joshua Marquis, *The Myth of Innocence*, 95 J. CRIM. L. & CRIMINOLOGY 501 (2005).

²⁰ *Id.* at 505.

evidence that some of the most notorious of the “exonerated” may in fact be guilty. Mr. Marquis, the outspoken advocate for crime victims, argues forcefully that “[n]othing excuses making the victims nameless and faceless, making martyrs out of murderers, and turning killers into victims.”²¹

Samuel R. Gross, Kristen Jacoby, Daniel Matheson, Nicholas Montgomery, and Sujata Patil publish nothing short of the most comprehensive survey of wrongful convictions to date with *Exonerations in the United States: 1989 Through 2003*.²² The authors “look at overall patterns in the exonerations that have accumulated in the past fifteen years and hope to learn something about the causes of false convictions, and about the operation of our criminal justice system in general.”²³ Such an approach may be especially helpful in singling out and correcting problems, but it also raises troubling questions. For example, the authors claim that “[e]xonerations from death row are more than twenty-five times more frequent than exonerations for other prisoners convicted of murder, and more than 100 times more frequent than for all imprisoned felons.”²⁴ Does such a disparity mean that we are failing to recognize large numbers of wrongful convictions in non-capital cases, where we have not worked as hard to discover them? Or does it mean that we are more prone to convict the innocent in capital cases? Frighteningly, both may be true.

Joseph L. Hoffmann, “a committed agnostic on capital punishment itself,”²⁵ provides a useful middle ground in a debate often dominated by the extremes. In *Protecting the Innocent: The Massachusetts Governor’s Council Report*,²⁶ Professor Hoffmann discusses the Report of the Massachusetts Governor’s Council on Capital Punishment, of which he served as Co-Chair. The Report, in Hoffman’s view, “essentially seeks to outline a set of the ‘best practices’ currently available for the administration of the death penalty.”²⁷ Noted capital punishment scholar Frank Zimring has suggested that the Report may be the “missing link” between broad support of the death penalty and its ultimate abolition.²⁸ Whether or not this is so, Hoffmann is optimistic that “the Massachusetts Report’s vision of

²¹ *Id.* at 521.

²² Samuel R. Gross et al., *Exonerations in the United States: 1989 Through 2003*, 95 J. CRIM. L. & CRIMINOLOGY 523 (2005).

²³ *Id.* at 526-27.

²⁴ *Id.* at 553.

²⁵ Hoffmann, *supra* note 7, at 568.

²⁶ *Id.*

²⁷ *Id.* at 571.

²⁸ *Id.* at 585.

a more accurate and fair capital punishment system is one with which most Americans probably are more than willing to live, at least for the time being.”²⁹

Siblings and frequent co-authors³⁰ Carol S. Steiker and Jordan M. Steiker offer a critique of the current focus on innocence from perhaps a surprising point-of-view—that of the abolitionist. In *Seduction of Innocence: The Attractions and Limitations of the Focus on Innocence in Capital Punishment Law and Advocacy*,³¹ the authors express concern that by focusing on the attractive—and, at least for the time being, effective—issue of innocence, abolitionists may be losing sight of equally or more important goals, including those depending on basic notions of human dignity and fairness which we owe even to the worst of the certainly guilty.³² This article offers a reminder that the abolitionist movement “[stands as] the keeper of a rather delicate, unpopular flame, and . . . has some responsibility to preserve the valuable parts of its legacy even as it seeks, as all effective advocates do, to use the tools of the moment to get the job done.”³³

Ronald J. Allen and Amy Shavell criticize the tone and substance of the current death penalty debate in their article, *Further Reflections on the Guillotine*.³⁴ The authors thoughtfully and persuasively demonstrate that as uncomfortable as it may sound, “death is the commonality of social planning.”³⁵ All social policy decisions, including whether to have capital punishment, determine who will live and who will die.³⁶ That we may execute some innocent people is an important consideration, but in light of the fact that without the death penalty *other* innocent people will be killed, it is not necessarily a reason to abandon it. If capital punishment serves as a

²⁹ *Id.*

³⁰ See, e.g., Carol S. Steiker & Jordan M. Steiker, *Abolition in Our Time*, 1 OHIO ST. J. CRIM. L. 323 (2003); Carol S. Steiker & Jordan M. Steiker, *Should Abolitionists Support State Legislative “Reform” of the Death Penalty?*, 63 OHIO ST. L.J. 417 (2002); Carol S. Steiker & Jordan M. Steiker, *Judicial Developments in Capital Punishment Law, in AMERICA’S EXPERIMENT WITH CAPITAL PUNISHMENT: REFLECTIONS ON THE PAST, PRESENT, AND FUTURE OF THE ULTIMATE PENAL SANCTION* 47 (James R. Acker et al. eds., 1998).

³¹ Carol S. Steiker & Jordan M. Steiker, *The Seduction of Innocence: The Attraction and Limitations of the Focus on Innocence in Capital Punishment Law and Advocacy*, 95 J. CRIM. L. & CRIMINOLOGY 587 (2005).

³² *Id.* at 623.

³³ *Id.*

³⁴ Ronald J. Allen & Amy Shavell, *Further Reflections on the Guillotine*, 95 J. CRIM. L. & CRIMINOLOGY 625 (2005).

³⁵ *Id.* at 634.

³⁶ *Id.* at 633-34.

general deterrent—which, the authors concede, is open to debate³⁷—the point is obvious. But no less important is the *specific* deterrence factor: because the guilty will sometimes kill again if not executed,³⁸ abolition would not “save” innocent lives, it would merely displace death. And just like any other form of social planning, the authors argue, such an allocation of death is the rightful province of a democratic society.³⁹

Finally, Cook County State’s Attorney Richard A. Devine, as Chief Law Enforcement Officer over Chicago and the nation’s largest unified court system,⁴⁰ is no stranger to this debate. His article, *The Death Penalty Debate: A Prosecutor’s View*,⁴¹ takes the form of a book review of Scott Turow’s book, *Ultimate Punishment: A Lawyer’s Reflections on Dealing with the Death Penalty*.⁴² Mr. Devine discusses the subject matter of Turow’s book in great detail, with particular emphasis on the events in Illinois that have brought about numerous criminal justice reforms, the emptying of the State’s death row, and a continuing moratorium on executions. This moratorium, as Mr. Devine sees it, has left Illinois “in an unhealthy state of limbo,”⁴³ leading him to conclude that “[r]ather than undermine our criminal justice system by retaining on the books a law which we have no intention of using, it would be more honest to consider abolition. . . . We must confront the issue of whether we should repeal the death penalty or implement it.”⁴⁴

The Journal wishes to extend its sincerest thanks to each of these authors for their thoughtful insights into the issue, their contributions to such an important debate, and their ideas about how to make this a successful symposium. Despite many obvious differences of opinion, it was clear from the outset that everybody endeavored to move this debate forward in a meaningful way.

In addition, the Journal wants to thank the many dedicated people who helped plan the symposium, and who contributed to it in various important ways. Without their assistance, this would not have been possible. George Ryan, former governor of Illinois, revisited Northwestern to deliver an

³⁷ *Id.* at 629-30.

³⁸ *Id.* at 630-31.

³⁹ *Id.* at 628.

⁴⁰ Cook County State’s Attorney’s Office, at <http://www.statesattorney.org/default.htm> (last visited Feb. 4, 2005).

⁴¹ Richard A. Devine, *The Death Penalty Debate: A Prosecutor’s View*, 95 J. CRIM. L. & CRIMINOLOGY 637 (2005).

⁴² SCOTT TUROW, *ULTIMATE PUNISHMENT: A LAWYER’S REFLECTIONS ON DEALING WITH THE DEATH PENALTY* (2003).

⁴³ Devine, *supra* note 41, at 639.

⁴⁴ *Id.* at 648.

impassioned keynote address. Terri Mascherin, an alumna of Northwestern and a former Editor of this Journal, skillfully moderated the symposium. Thomas Sullivan spoke thoughtfully about his experiences as Co-Chair of George Ryan's Commission on Capital Punishment. And the Northwestern Law Community, including Dean David Van Zandt, Professors Steven Drizin, Thomas Geraghty, and Chris Simoni, and countless staff of the Law School, provided invaluable advice and assistance along the way.

Finally, the Journal thanks Professor Lawrence C. Marshall. As the production of this symposium moved forward, Professor Marshall announced his departure from Northwestern to Stanford Law School, where he will serve as Professor and Director of Clinical Education. Due to these changing circumstances and their attendant demands, he was unable to contribute to this symposium. Nevertheless, Professor Marshall's voice permeates every aspect of this topic, as his work has without question been among the most important in bringing wrongful convictions to the forefront of the death penalty debate.

Professor Marshall began teaching at Northwestern University School of Law in 1987, and shortly thereafter, he began representing criminal defendants through Northwestern's Bluhm Legal Clinic. His early clinical work included such high-profile cases as Rolando Cruz⁴⁵ and Gary Gauger,⁴⁶ both of whom were exonerated from death row. In 1998, he began working on the case of Anthony Porter, who, at that time, was due to be executed in only a few short months. Porter came within fifty hours of his scheduled execution before a dedicated team including Marshall proved him innocent of the crimes for which he had been sentenced to die.⁴⁷ This may have been the single most important event in convincing George Ryan and others of the endemic nature of problems with Illinois's criminal justice system, and the need for immediate attention.⁴⁸

⁴⁵ See Warden, *supra* note 11, at app. A at 413-14.

⁴⁶ See *id.* at app. A at 414-15.

⁴⁷ Anthony Porter was arrested in 1982 in connection with the murder of two teenaged girls on Chicago's South Side. Despite serious questions about the fairness of his trial, Porter was convicted and sentenced to death, and his conviction was upheld on appeal. In 1998, as his family made funeral arrangements, the Illinois Supreme Court granted a last-minute stay of execution, concerned that Porter was not competent to be executed. In the weeks that followed, Porter experienced nothing short of a miracle: one witness against him recanted, another implicated a different man, and then that man gave a videotaped confession. Porter was released from prison, and the murder charges against him were dropped. See *id.* at app. A at 423.

⁴⁸ Early in the speech in which he granted clemency to all of Illinois's death row inmates, Ryan discussed the effect of Porter's case:

I never intended to be an activist on this issue. Soon after taking office, I watched in surprise and amazement as freed death row inmate Anthony Porter was released from jail. A free man, he

In November of 1998, Marshall attracted national attention to the growing number of death row exonerations when he hosted the National Conference on Wrongful Convictions and the Death Penalty.⁴⁹ The following year, he co-founded the Center on Wrongful Convictions,⁵⁰ a clinical program “dedicated to identifying and rectifying wrongful convictions and other serious miscarriages of justice.”⁵¹

In January of 2000, Governor Ryan declared a moratorium on the death penalty in Illinois,⁵² an event hailed at the time as “probably . . . the largest energizing event in the last 20 years” for opponents of capital punishment.⁵³ Ryan then appointed a commission to study the criminal justice system⁵⁴ and began clemency hearings for death row inmates.⁵⁵ Lawrence Marshall sensed an opportunity: “This was one of those rare moments where you basically just jettison everything and say, this is a campaign—a narrow window—that we’re going to put all of our energy into.”⁵⁶ He campaigned tirelessly in favor of criminal justice reform and on behalf of Illinois’s death row inmates. In December of 2002, he organized the National Gathering of the Death Row Exonerated, the largest meeting of its kind in history.⁵⁷ This event culminated in a march across Illinois and a hand-delivered letter from the exonerated to Ryan: “We implore you to heed the lessons of our ordeals. The system that convicted us and sentenced us to die is far too flawed to be trusted to extinguish human

ran into the arms of Northwestern University Professor Dave Protes who poured his heart and soul into proving Porter’s innocence with his journalism students. He was 48 hours away from being wheeled into the execution chamber where the state would kill him. It would all be so antiseptic that most of us would not have even paused, except that Anthony Porter was innocent of the double murder for which he had been condemned to die.

Ryan, *supra* note 1.

⁴⁹ Center on Wrongful Convictions: History, at <http://www.law.northwestern.edu/depts/clinic/wrongful/History.htm> (last modified Jan. 16, 2005).

⁵⁰ *Id.*

⁵¹ Center on Wrongful Convictions: Our Mission, at <http://www.law.northwestern.edu/depts/clinic/wrongful/mission.htm> (last modified May 4, 2003).

⁵² Ken Armstrong & Steve Mills, *Ryan Suspends Death Penalty*, CHI. TRIB., Jan. 31, 2000 (Evening Update), at 1.

⁵³ *Ryan Buys Death Penalty Opposition*, TELEGRAPH HERALD (Dubuque, IA), Dec. 7, 2000, at B5 (quoting Robert Jones, Spokesman for Moratorium 2000).

⁵⁴ Steve Mills & Ken Armstrong, *Ryan Sets Up Panel to Study Death Penalty*, CHI. TRIB., Mar. 9, 2000, at 1.

⁵⁵ Ray Long & Steve Mills, *Clemency Suggested for a Few Prisoners*, CHI. TRIB., Jan. 1, 2003, at 1.

⁵⁶ DEADLINE (Big Mouth Productions 2004; NBC television broadcast, July 30, 2004).

⁵⁷ Press Release, Northwestern University, Largest Gathering of Exonerated at Northwestern (Dec. 17, 2002), available at http://www.northwestern.edu/univ-relations/media_relations/releases/12_2002/deathrow.html (last updated Dec. 12, 2002).

life.”⁵⁸ In the weeks that followed, Governor Ryan announced his decision to grant clemency to every inmate on Illinois’s death row⁵⁹ and the Illinois General Assembly began a sweeping reform of the state’s criminal justice system.⁶⁰

In this nation’s ongoing debate over capital punishment, the traditionally dominant issues of procedural unfairness, morality, and racism have been, for most people, abstract and easy to ignore. But each wrongful conviction places a human face on these issues—an *innocent* human face—and captivates the attention of an entirely new audience. Perhaps better than anybody else, Lawrence Marshall understood that a focus on innocence would bring with it an opportunity to educate this new audience, a necessary step toward a reasoned and informed national death penalty debate:

If you can open people’s minds through the prism of innocence, you begin to erode their views, and they become educated about other facets of the issue. Now they start to worry about race. Now they start to worry about bad lawyering. Now they start to worry about poverty and the effect of class, and all the myriad other factors that make this so arbitrary, so unfair, so much like the strike of lightning that the Supreme Court condemned in *Furman*.⁶¹

For his contributions to this debate, for his dedication as a professor, and for his service as an advisor to this Journal, we thank Professor Lawrence C. Marshall, and we wish him the very best in the new challenges awaiting him.

⁵⁸ Open Letter to Honorable George H. Ryan, Governor of Illinois (Dec. 16, 2002), available at <http://www.law.northwestern.edu/depts/clinic/wrongful/documents/ExoneratedLetter.pdf>.

⁵⁹ Maurice Possley & Steve Mills, *Clemency for All*, CHI. TRIB., Jan. 12, 2003, at 1.

⁶⁰ See generally Warden, *supra* note 11.

⁶¹ DEADLINE, *supra* note 56.