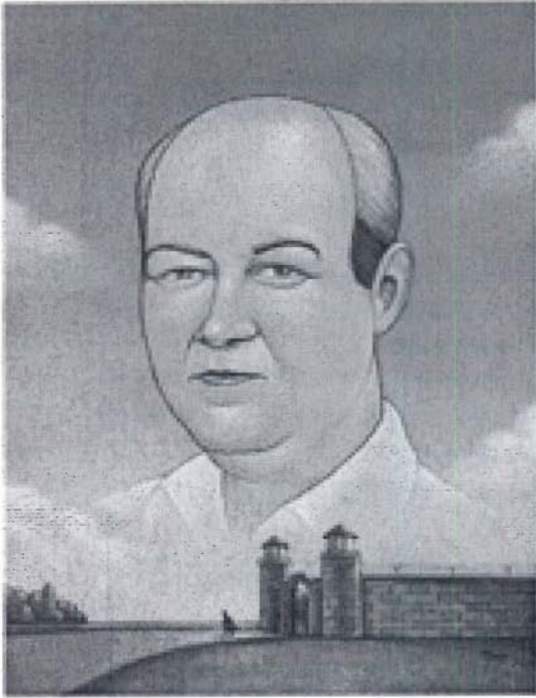


Miracle Worker

by Steve Weinberg



What else would you call the man who has confronted America's criminal-justice system and freed 36 innocent prisoners?

When James C. McCloskey entered Prince-ton Theological Seminary, he fully expected— that his chosen path would lead him to a life as a minister in a mainline Presbyterian church. He never guessed it would lead him to prisons scattered across the nation, much less to a national reputation as a miracle worker.

McCloskey, executive director of Centurion Ministries, has helped exonerate 36 men and women convicted of murder and rape, —including four on death row. Anybody who has studied the criminal-justice system knows that freeing innocent prisoners is all but impossible. Accomplishing the impossible not just once but over and over again must qualify as a miracle — right?

Ask Clarence Brandley, who was a high school custodian in Conroe, Texas, in 1980, when police arrested him for the murder of Cheryl Ferguson, a blond-haired, blue-eyed student. The school's other custodians, all of whom were white, shared opportunity, means, and motive with Brandley, who is black. But when the white custodians cast suspicion on their colleague, police arrested and prosecutors charged Brandley — despite his almost clean record and a lack of physical evidence linking him to the murder.

An all-white jury convicted Brandley, who was sent to death row. McCloskey entered the case in 1986, traveling from New Jersey to seek evidence exonerating Brandley. According to Nick Davies, who spent two years watching the Brandley case unravel while writing the book *White Lies: Rape, Murder and Justice, Texas Style*, —McCloskey eschewed an expensive hotel and instead moved into a room over the garage of a defense lawyer's home, where he “instantly— surrounded himself with piles of paper, the whole six-and-a-half-year history of the Brandley case. He hid in his room, reading and writing notes, emerging only occasionally to shoot baskets” with the lawyer or play with the lawyer's children “before diving back into the paperwork.”

Armed with an encyclopedic knowledge of how the case left the tracks, McCloskey understood that the only way to right the wrong was to visit the white custodians over and over until the real murderer finally told the truth. In 1987, Brandley was awarded a new trial after it was discovered that the prosecution had withheld evidence and that witnesses had committed perjury. He was exonerated in 1990, and McCloskey escorted— Brandley out of the death row prison.

“McCloskey has compiled a record that is unparalleled,” says veteran attorney John C. Tucker, who has argued before the U.S. Supreme Court and authored the books *May God Have Mercy: The True Story of Crime and Punishment and Trial and Error: The Education of a Courtroom Lawyer*. “It's an extraordinary achievement in a system that ferociously resists admitting a mistake once direct appeals are over and a defendant's conviction has become ‘final.’?”

All this from a totally unimposing 63-year-old.

THE ELDEST OF three siblings, McCloskey grew up comfortably in the Philadelphia suburb of Havertown. His father, who managed a family construction company, taught him honesty, hard work, and a maxim: “Knowledge is power.” He also insisted that the family attend an evangelical Presbyterian church. Though McCloskey did as he was told, he came to resent organized religion. During college at Bucknell University, he stopped attending church, partied, and majored in economics.

Graduating in 1964 with a career plan of going into international business (with a focus on Japan), McCloskey volunteered for the U.S. Navy as an officer, with hopes of seeing the world. He received an assignment in Tokyo. Later, he volunteered for combat in Vietnam, where he learned a lesson that would serve him well: Not everything is as it appears. He saw his commanders falsify statistics

about fatalities and heard American political and military leaders mislead the public. His time in the Navy earned him the Bronze Star for valor.

Upon returning home, making money became McCloskey's career plan. After earning a master's degree in international business and returning to Japan as a well-paid consultant, he eventually settled in New York City to try a Wall Street job, followed by a stint as a management consultant at Hay Group in Philadelphia. He quickly realized it was a poor fit. Concerned about the meaning of his career and his reluctance to commit to marriage, McCloskey sought direction through religion.

He returned to Philadelphia, where he told only one person about the pull of faith — the Reverend Richard Streeter, who was minister of Paoli Presbyterian Church. Streeter's preaching "compelled one to serve others, and the only person I had been serving was myself," McCloskey recalls. His epiphany arrived when he decided the corporate life felt exploitative.

"If I was going to be exploited by anybody, I wanted to be exploited by God, not by a corporation," he says. McCloskey began exploring entry into the ministry. Some moments, he says, "I thought I was crazy. Me, in the ministry? If my friends and family ever discovered that, they'd think I was a fool, and a hypocrite." When he gave notice at his consulting firm, his boss said, "Gee, Jim, I didn't even know you went to church."

At age 37, McCloskey entered the Master of Divinity program at Princeton Theological Seminary. Required to undertake his field education in a church, a nursing home, or a prison, he recalled an interesting luncheon talk years earlier by a prison chaplain. For no better reason than that, McCloskey asked for an available student chaplaincy. His assignment: Trenton State Prison. There, in 1980, he met Jorge De Los Santos, a convicted murderer proclaiming his innocence.

McCloskey had no reason to believe De Los Santos. After all, don't all inmates proclaim their innocence? But, as a new audience of one for the inmate, McCloskey finally agreed to skim legal documents from the case. To his surprise, he discovered that a witness who identified De Los Santos as the murderer had given false testimony. Furthermore, McCloskey discovered, as he dug deeper, that a fellow inmate had swapped an alleged jailhouse confession from De Los Santos for leniency, another deal never disclosed to the defendant. Well, McCloskey thought, *maybe not all inmates who proclaim their innocence are lying.*

McCloskey took a one-year leave from the seminary, raised \$25,000, learned investigative techniques, and found a lawyer willing to file an appeal. He found the jailhouse informant whose testimony had helped prosecutors convict De Los Santos and persuaded him to admit he had lied. As a result, De Los Santos was freed in 1983.

ALTHOUGH IT DEFIES common sense and the principles of fairness and justice, evidence of actual innocence is frequently ignored when presented after a jury or a judge has issued a guilty verdict. Police, prosecutors, and judges value finality: They are overwhelmed by new cases; the victims deserve closure; new evidence sometimes is not probative; reopening cases is time-consuming and expensive; the reasons pile up.

McCloskey began to understand the paths of resistance during his lonely, quixotic De Los Santos investigation. Wondering whether the obstacles would defeat his effort, McCloskey completed his divinity degree in 1983. By then, so many other needy inmates had approached him, McCloskey abandoned his dream of ministering to a congregation in a traditional church setting. Instead, he decided to devote his life to assisting men and women who appeared to fall into the category of "imprisoned –innocent."

Later that year, using his knowledge of business procedure and choosing Prince-ton, New Jersey, as his base, McCloskey incorporated Centurion Ministries, named for the Roman soldier at Christ's crucifixion who said "Surely, this one was innocent." Pleas for help flooded in. No inmates could afford to pay, so McCloskey worked alone and lived rent-free in exchange for helping his elderly landlady with grocery shopping.

In 1986, as it became clear that McCloskey's—unlikely production would run for more than one act — he played significant roles in two additional New Jersey exonerations that year — journalists started paying attention. A *New York Times* article inspired Kate Hill Germond, a businesswoman and community activist who had just followed her husband from California to New York City. Germond viewed the *Times* photograph of McCloskey's cramped work space and thought, *I could organize him.* She and McCloskey met. Though —McCloskey could afford to pay Germond only \$100 a month, she joined him. A gifted investigator and organizer, she, too, began cracking open prosecutors' faulty cases.

Paul Henderson signed on next. A *Seattle Times* reporter who won a Pulitzer prize for vindicating a man falsely accused of rape, Henderson left the newspaper to become a private investigator. In

1988, he began investigating for Centurion on a case-by-case basis. Soon, he and McCloskey helped free two Los Angeles men wrongly convicted of murder. Henderson joined Centurion full-time in 1996, working from his Seattle home.

“Jim’s dedication to his mission and determination to find the truth combine to make him the best murder investigator in America,” Henderson says. “He knows how to make anybody comfortable talking to him, from a district attorney to a crack addict. He is involved in every case being handled by Centurion. I have trouble keeping track of three or four at a time. Jim has command of every case — dozens and dozens.”

Today, the paid staff is made up of five full-time salaried employees, four part-time salaried employees, and 15 volunteers. McCloskey has also assembled a national network of forensic scientists, but money is always tight, and there is never enough time or manpower to devote to all the cases— that come to his attention. Sometimes dispirited by the financial shortfalls despite Centurion’s remarkable results, McCloskey— says that it took a California group two years to raise \$7 million to rescue Keiko the famous killer whale — more money than Centurion has received in nearly 25 years. During 2005, Centurion’s operating deficit ballooned to \$500,000, its largest ever. McCloskey refuses to ask lawyers and forensic experts to work pro bono, knowing it is easy for them to push unpaid cases to the back of the queue. Instead, he usually negotiates a reduced rate with committed professionals who absorb the rest of the costs.

Finding the right lawyer in a locale can be arduous. For example, in 1993 McCloskey accepted the case of Ellen Reasonover, a single mother in St. Louis convicted of murdering a service station attendant in 1983. By then, Reasonover had spent more than a decade in prison while relatives did their best to raise her daughter. Police and prosecutors never produced physical evidence linking Reasonover to the murder, never produced an eyewitness, never located the murder weapon, never charged anybody besides Reasonover despite believing she worked with two accomplices, used unreliable jailhouse-snitch testimony as the basis of their case, and made deals with the snitches that were never disclosed to the defendant.

After digging by McCloskey and Henderson convinced them of Reasonover’s innocence, Centurion Ministries sought a lawyer in St. Louis to file an appeal for Reasonover. But a good-old-boys network in that city, as perceived by McCloskey, gave him pause. Instead, he retained James Wyrsh, a lawyer in Kansas City, about 300 miles

across the state. Wyrsh in turn deputized law-firm associates Cheryl Pilate, a former newspaper journalist who had recently earned a law degree, and Charles Rogers, a former public defender. Using evidence gathered by McCloskey and Henderson, Pilate and Rogers finally found a federal judge who listened. The judge, a Republican former prosecutor, ordered Reasonover freed. When she walked out of prison in 1999, McCloskey greeted her, just as he had greeted Brandley when he left the death row of a different prison in a different state a decade earlier.

DESPITE HIS UNSWERVING faithfulness to the cause, McCloskey is not infallible. In 1988, he took on the case of Roger Keith Coleman, who was on Virginia’s death row for the rape and murder of his sister-in-law. Before his execution in 1992, *Time* magazine put Coleman on its cover with the headline: “This Man Might Be Innocent. This Man Is Due to Die.” Coleman shared his final meal with McCloskey, who vowed to press his case to the end. He successfully petitioned Virginia Gov. Mark Warner in January of this year to reexamine the DNA evidence, but when the results came back, they showed that Coleman had deceived everyone with his protests of innocence. The news, McCloskey said, “was like a kick in the stomach.”

Still, the stream of alleged injustices never seems to slow, and McCloskey’s passion and persistence are so admirable that many use the word *saint* when accounting for his successes against a usually intractable criminal-justice system. McCloskey, on the other hand, worries about how his obsessiveness on behalf of the wrongfully imprisoned— might have compromised his spirituality. Freeing dozens of prisoners comes with a cost perhaps greater, though harder to measure, than never marrying and never fathering children.

“Practically every waking moment, I’m thinking about this case or that case,” McCloskey says. “And while I like to think I’m serving God, I have drifted away from my roots. My prayer life is almost nonexistent.” Talking to the inmates and their loved ones simultaneously sucks him dry and gives him strength. “You’re always dealing with their pain and suffering,” he says. “You’re always in the pit either of suffering or of the lies that put them there — misbehavior by authorities, corruption.”

Retirement is not an option. On a secular level, McCloskey lacks a pension. On a spiritual level, McCloskey knows he must follow the path that began in that New Jersey prison. Then there is the harsh daily reality that so many innocent people in prison await his attention.