

Man Who Helped Free Pratt Calls Case a 'Miracle'

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Former Black Panther Party leader Elmer "Geronimo" Pratt's case did not fit the mold of those the Rev. Jim McCloskey takes on. Pratt was a public figure whose case had attracted any number of high-profile supporters over the years.

McCloskey's Princeton, N.J.-based Centurion Ministries specializes in helping what he calls anonymous prisoners he is convinced are innocent, "those who have no voice. They are just buried alive in prison."

But Pratt's legal team had hit a dead end in 1992, and McCloskey was on a roll. He had just come to national prominence after winning the release of Clarence Chance and Benny Powell, two Los Angeles men who had spent 17 years in prison for a murder they did not commit.

Earlier this week, Pratt became the 18th convict McCloskey had played a substantial role in freeing from prison since 1983. In the five years since he first reviewed Pratt's case file, McCloskey has been fueled not merely by evidence, but by faith--the evidence of things not seen.

"You can't do this work without faith," McCloskey said the day after Pratt was released on bail after spending 27 years in custody for a murder he denied committing. "It is also a work of miracles. This case is the miracle of miracles because there was no way anybody would have thought we could have gotten back into court. I think it was the hand of God. It is too much to accept that this happened just through human hands."

In the last five years, he has logged 120,000 miles investigating Pratt's case, crisscrossing the country to locate witnesses, pressuring elected officials to gain access to FBI files and spending countless hours pounding the streets of South-Central Los Angeles to talk to former Panthers who could corroborate Pratt's defense.

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Pratt was convicted in 1972 of murdering Caroline Olsen, a teacher at Stoner Avenue Elementary School in Culver City, and critically wounding her husband, Kenneth, during a 1968 robbery on a Santa Monica tennis court.

Two armed men assaulted the Olsens, robbed them of \$18, shot them several times and left them for dead. Pratt contended that he was set up as part of the FBI's infamous COINTELPRO operation to "neutralize" Panther leaders.

In 1991, after the release of Chance and Powell, Bob Bloom, a Berkeley attorney who had spent three years working on Pratt's appeals, called on McCloskey to discuss "G," Pratt's nickname.

Bloom's work had led to Pratt's fourth petition to have his conviction overturned. A San Francisco Superior Court judge ordered prosecutors to show why Pratt should not be released. But the state was able to get the petition transferred to Los Angeles County, where Superior Court Judge Gary Klausner denied it in less than 24 hours.

"By the time I got involved, G was completely dead in the water," McCloskey said. "That was an important consideration. He had nowhere to go."

McCloskey began building on 17 years of work by Bloom and other investigators working on Pratt's behalf. "To me, it was readily apparent that he was innocent and that the key witness against him--Julius Butler--was lying," McCloskey said.

"Jim McCloskey not only brought credibility to our case, he also brought himself," said San Francisco attorney Stuart Hanlon, who has dedicated himself to Pratt's case for 23 years. "He's very strong willed, very aggressive. He brought in energy when I was down. He brought us back to life. He has dedicated himself to other people in a way very few other people have."

In reversing Pratt's conviction last month, Orange County Superior Court Judge Everett W. Dickey said that Butler had lied on the witness stand when he denied being a law enforcement informant. Butler had testified that Pratt had admitted killing Caroline Olsen.

For McCloskey, Pratt's case had telltale signs he said he sees in false convictions all the time: second-hand confession testimony and erroneous eyewitness identifications.

"When you have informant testimony, there is an excellent chance that it's false and that they [informants] are just trying to get out of their own trouble with law enforcement," he said. "We see this all the time."

McCloskey also dismissed testimony from one witness who said more than three years after the crime that she would never forget dents and a scar on Pratt's forehead.

"She had never once mentioned that before to police," McCloskey said.

McCloskey interviewed former Panthers that Bloom had located and found others who said that although they did not like Pratt, they knew he did not kill Olsen.

Four identified two Panther hangers-on--Herbert Swilley and Larry "Dobey" Hatter--as the killers. Both were street thugs who had laughed about killing two "pigs" on a tennis court in Santa Monica, several former Panthers said.

But those witnesses told McCloskey that they had never come forward because they still lived in the same neighborhood with the Hatter and Swilley families and did not want to incur their wrath.

Swilley was shot to death in 1972, and Hatter was found dead in 1978--on a Santa Monica tennis court. He had apparently fallen onto a fence or stake that penetrated his head during the commission of a robbery.

McCloskey knew that blaming dead men--who both matched the first descriptions of the killers--for Olsen's death would be met with skepticism. But what fate does a street criminal face other than prison or death? he asked.

McCloskey completed his investigation in 1993 and turned it over to Los Angeles County Dist. Atty. Gil Garcetti, who agreed to review the case. Four years later, McCloskey is still waiting to see a report of that review.

Convinced in 1995 that Garcetti was dragging his feet, McCloskey, Hanlon and the rest of Pratt's defense team were just as dead in the water as they had been when McCloskey came aboard. They decided to file yet another petition seeking to have his conviction overturned.

That petition survived several challenges and led to the Orange County hearing that resulted in Pratt's release.

Prisoners around the country have practically deified McCloskey, Pratt said Thursday.

"Their love and appreciation of Jim McCloskey is like nothing I've seen before," Pratt said.

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McCloskey's ministry is an unlikely marriage of Wall Street and poor neighborhoods. Most of the money for his "shoestring" budget comes from wealthy Wall Street brokers who were arrested and convicted in the 1980s for securities violations.

One such Wall Street executive was attracted by news of the release of Chance and Powell, and introduced McCloskey to his business associates in New York and in Southern California.

"They saw and felt the heavy hand of the law first-hand," McCloskey said, noting that many of their convictions had been reversed. "My world entered their world, and they became sensitized to the overzealousness of police and prosecutors and to how people can get falsely accused.

"An innocent person in prison for murder . . . is about as rare, in my view, as a pigeon in a park."

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