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## From death row to hero

How Randy Steidl became the face of capital punishment repeal

BY BILL CLUTTER



At the State Capitol, former death row inmate Randy Steidl became the improbable champion in the successful campaign to get the General Assembly to abolish the death penalty. Now he is trying to persuade Gov. Pat Quinn to sign the repeal into law. He traveled a long road from death row to Springfield's halls of power.

We began working on Randy's case in October 1991, after the Illinois Supreme Court affirmed his conviction and set his execution date. Springfield attorney Mike Metnick, who earlier that year represented Alejandro Hernandez pro bono in the infamous Nicarico case, agreed to take on the cause of saving Randy's life. Mike Metnick again volunteered his legal services without pay. The reward for that work finally paid off when the General Assembly voted last week to abolish the death penalty.

John Hanlon, now the legal director at the Downstate Illinois Innocence Project at UIS, worked all night long in April of 1992 writing Randy's petition for post-conviction relief in Mike Metnick's law office, which was above the Vinegar Hill Mall. By 7 a.m. we had appended the affidavits supporting the facts that revealed Randy's innocence. We placed the petition in the trust of our runner, Paul Wetmore, who drove it to Paris, the Edgar County seat, to be filed. It was the last day of the statute of limitations for

filing the petition. If some awful auto accident had impeded its delivery, all appeals in Randy's case would have stopped there. The execution would have proceeded as scheduled.

Within four months of our investigation on Randy's case, we developed the evidence that a federal judge would later rely on to order Randy's release 17 years after he was convicted. His case involved no DNA, which made the job that much more difficult.



A copy of the petition made its way to Illinois Times. IT editor Fletcher Farrar assigned a young reporter, Wendy Stassel, and photographer Ginny Lee to accompany me to the condemned unit at Pontiac penitentiary so that Randy could tell his story. No one outside of Randy's family and friends had heard about his case until it was published in these pages Sept. 9, 1993. Randy's picture was on the front cover of Illinois Times. The story of his innocence was told in the press for the first time.

The story also told of the inept representation Randy received by his former trial counsel. That attorney later sued me and IT for libel. He was not happy that the story suggested he was ineffective. Truth being a defense prevailed. The case was eventually dismissed.

A week after the story ran, I offered to "recycle" the batch of papers that were left at the newsstands.

With copies loaded in the trunk of my car, I headed to Chicago. That evening, I appeared before the board of directors at a meeting of the Illinois Coalition Against the Death Penalty. They were there to discuss plans to organize a candlelight vigil outside the Governor's Mansion for John Wayne Gacy, whose execution was set for May 10, 1994. It was the face of Gacy, the most notorious serial killer that Illinois had seen in the 20th century, that made support for the death penalty so popular. I stood up, handed everyone in the room a copy of Illinois Times and pointed to the face of Randy Steidl. His should be the face of the abolition movement. I recounted our recent involvement in the case of Rolando Cruz and Alejandro Hernandez. It is the faces of the wrongly convicted that will persuade public opinion to support abolition of the death penalty.

Indeed, those were the faces former Gov. George Ryan pointed to when he declared a moratorium on capital punishment 11 years ago.



After the meeting, Rob Warden, now executive director of the Center on Wrongful Convictions at Northwestern University, pulled me aside and invited me to have a drink. On the walk over to the Billy Goat Tavern, made famous by "Saturday Night Live," Rob revealed he wasn't enthusiastic about their decision to hold the vigil for a guy like Gacy. His passion as the publisher of the Chicago Lawyer was to shine light on the cases of the innocent who populated death row in Illinois. It was his paper that first told the story of Brian Dugan's 1985 confession to the murder of Jeanine Nicarico and the fact that prosecutors had convicted two innocent men but were willing to let them be executed as part of their coverup.

On Feb. 7, 1994, law professor Larry Marshall organized his first event at Northwestern to raise public awareness about the plight of his client, Rolando Cruz. We circulated more copies of the Illinois Times article, which Randy's mother had paid to reprint.

But a few months later, on May 10, the day John Wayne Gacy was executed, our office got a phone call from Pontiac. The warden informed us that Randy Steidl had been attacked in the yard and he was in their medical unit. Armed with a disassembled disposable razor, two men jumped Randy. One pinned his arms back while the other slashed the blade across Randy's neck. A hit had been ordered on Randy's life for his refusal to participate in the hunger strike that was organized on the row to protest Gacy's execution.

One can imagine, given only that bit of news, the gravity of the call. It was the longest imaginable wait to hear word of his condition. Was his fate the same as the other condemned man, Gacy? It would take a few more minutes to learn that the blade had missed Randy's carotid artery by a razor's edge.

And so, again, Randy was spared to tell his story.

The next event organized by law professor Larry Marshall was in November 1998. I was invited to speak about Randy's case at The National Conference on Wrongful Convictions and the Death Penalty, an event that became the prelude to the creation of the Center on Wrongful Convictions. There were 74 death row exonerees in the U.S. at that time. That event brought together from all over the country investigators and attorneys, the people who worked to free the exonerated. The highlight of the conference was when the exonerees, Rolando Cruz among them, entered the stage one-by-one, stopped at the microphone to voice the refrain, "If the state had its way I'd be dead today."

Since that event, the number of death row exonerees has nearly doubled. Now added to that list of the exonerated is the name of Randy Steidl.

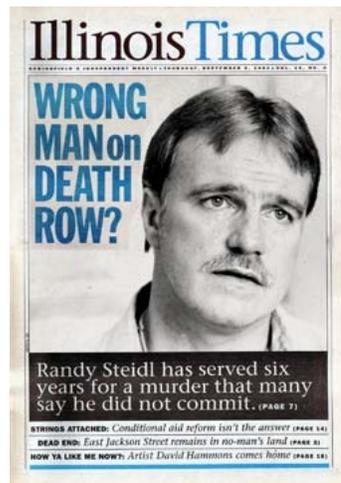
An interesting twist of fate occurred right before that historic conference. Illinois Times reporter Linda Rockey wrote an updated story on Randy's case that caught the attention of Medill School of Journalism professor Dave Protesch at Northwestern University. At the start of the fall 1998 semester, Protesch planned to assign a team of his students to investigate the case of Randy Steidl.

By this time law Professor Larry Marshall had joined the legal team to assist Mike Metnick and Kathy Saltmarsh in filing a federal habeas petition for Randy's release from prison. Protesch was told to find another case to work on. Protesch asked Marshall about the case of Anthony Porter.

Marshall informed Protesch that there was nothing in the record to suggest that Porter was innocent. He was 48 hours away from execution in September 1998 when the Illinois Supreme Court granted one last reprieve to explore the issue of his alleged mental retardation. In a few short months, in February 1999, private investigator Paul Ciolino obtained a videotaped confession of the true perpetrator of that crime. It was the final straw that broke the back of the death penalty in Illinois.

A few months later, the moratorium halted executions in Illinois. Had Protesch taken the more appealing case of Steidl instead, the history of the death penalty might have been different.

Protesch was able to add a major contribution to Randy's case, nevertheless. He invited CBS's 48 Hours to feature Randy's case on national television. The whole country would be watching. It forced the Illinois State Police to seriously consider a written request I made to the director to re-investigate the case. E-mails that surfaced later reveal that the upper command at ISP decided to assign Lt. Michale Callahan to investigate "Clutter's letter" just in case a "Mike Wallace type" starts snooping.



Callahan resisted pressure from above to whitewash his review of the file. He became a believer that Steidl, and his co-defendant, Herb Whitlock, were innocent. When he requested permission to pursue an investigation of other viable suspects who were politically connected, Callahan received a lateral transfer by former Gov. Rod Blagojevich's new director of state police. He was removed from investigations and transferred to the traffic division. His book, Too Politically Sensitive, provides a detailed account of what happened behind the scenes at ISP.

The following year, in May 2004, a federal judge ordered Randy's release from prison.

And so when the vote was taken on the House floor, it was Randy Steidl standing in the gallery whom Rep. Karen Yarbrough, the sponsor of the bill, pointed up to in making her argument to lawmakers why the death penalty should be abolished. For the last several months, Randy has been traveling the state telling his story as part of the Illinois Coalition Against the Death Penalty's campaign to end capital punishment. The vote total shot up to 59, then stopped one vote short of the 60 votes needed. A procedural move was made to place the bill for reconsideration. Two hours later, after intense lobbying by Randy and the

Coalition, the bill was brought back to the floor. Rep. Robert Flider of Decatur had a change of heart and switched his vote. The bill passed and was sent to the Senate.

After two hours of debate in the Senate on Jan. 11, senate sponsor Kwame Raoul asked Randy to stand to give the last word. Senator Raoul reminded the members of what Randy had said during his testimony earlier in the day before the Senate Judiciary Committee: "You can release an innocent man from prison, but you can't release him from the grave." The bill passed with 32 votes, with two votes more than was needed.



This historic vote by the General Assembly completed the circle of this story. Now abolition is in the hands of Gov. Quinn. History will look back a hundred years from now, and will compare the abolition of the death penalty to another abolition movement with strong ties to Springfield. It was the right decision then to abolish the practice of a person owning another person of color, though slavery was widely popular in some segments of the population in its day. And so the practice of the state strapping men and women to a gurney and controlling the decision to end life, at the

risk of getting it wrong, should also be cast onto the trash heap of history.

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