

# Chicago journalism students targeted for Innocence Project work

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A journalism class at Northwestern University has become the target of an intimidation and smear campaign by the Cook County state attorney's office in Chicago after they uncovered compelling evidence suggesting the wrongful conviction of an Illinois prisoner.

For 10 years, students at Northwestern's Medill School of Journalism have been engaged in gathering evidence of wrongful convictions by Chicago's Cook County court system as part of the national Innocence Project, which re-examines cases of the long-term incarcerated.

Since 2003, Medill students investigated the case of Anthony McKinney, who has served 31 years in prison after being convicted of murdering a security guard in 1978. Medill students collected new evidence that has won McKinney a new hearing, which could lead to his exoneration and release.

After the Medill investigation gained prominence this fall, the state attorney's office accused the journalism students of bribing a witness in exchange for false testimony, and alleged that they were promised good grades in exchange for an exoneration.

The professor, David Protess, faces a hearing January 11 over a subpoena for personal and class material. According to the *Chicago Tribune*, Cook County state attorney Anita Alvarez "subpoenaed the students' grades, notes and recordings of witness interviews, the class syllabus and even emails they sent to each other and to professor David Protess."

The grounds for the subpoena, according to a statement from Alvarez's office to National Public Radio, is that "There simply are no exemptions that allow a university to investigate a murder case and then withhold new information it generated at the resulting post-conviction hearing. The law imposes a duty on all citizens to reveal relevant information in criminal matters."

In fact, the university had already turned over witness interviews and copies of video and audio materials related

to the McKinney case.

On November 10, the attorney's office accused students of paying off a witness, saying that an investigator working with the students overpaid a cab driver in 2004, with the intent to reward the witness for false testimony. The witness, Anthony Drake, told students that he was at the murder scene but that McKinney was not. Drake recanted this testimony later, and told Chicago prosecutors that he had used \$20 left over from the cab fare paid on his behalf to buy crack cocaine.

The allegations are intimidation and smears intended to chill the Medill Innocence Project, which has focused scrutiny on the unjust, brutal practices of Chicago law enforcement over the past decade.

Moreover, the state attorney's office is attempting to strip away a shield law that protects investigative journalism in the state. Presently, because of the Illinois Reporter's Privilege Act, a prosecutor does not have the authority to subpoena confidential source materials of journalists. The prosecution has argued that because the Medill students were not publishing the material they had collected in the McKinney case as they acquired it, they should be treated like private investigators by the court system. This could set a chilling precedent for journalism in Illinois, particularly that focused on unearthing official misconduct.

The McKinney case exposes the corruption and abuses of prosecutorial power long exercised by the Cook County authorities.

Anthony McKinney was arrested in 1978 in Harvey, a southern Chicago suburb, at the age of 18. He was picked up by police on a street near where a security guard named Donald Lundahl had been shot and killed, but he professed his innocence and was released shortly thereafter for lack of evidence.

According to the Medill Innocence Project web site, "The authorities soon began questioning others about the

crime, including another Harvey teenager, Wayne Phillips. Phillips eventually told police that he was an eyewitness to the murder, claiming that—from 50 yards away—he saw Anthony point the shotgun at Lundahl and declare, ‘Your money or your life.’ Anthony then was re-arrested, and, after a lengthy interrogation, signed a confession (typed by police) admitting the crime and saying the motive was robbery.”

In an interview with Medill students, “Phillips recanted his eyewitness testimony and claimed police beat him until he made up a story against Anthony McKinney.” Medill students also interviewed seven residents of Harvey who told them that “convicted killer Anthony Drake admitted to them almost thirty years ago that he was involved in the Lundahl murder, which he described as ‘an armed robbery gone bad,’ “ and that “Drake also said that Anthony McKinney had nothing to do with the crime.”

Since 1999, Protesch has led Medill students in investigations that have resulted in the overturning of 11 convictions in Chicago, including those of five who were sitting on death row. In 1999, one innocent man, Anthony Porter, was exonerated just 50 hours away from his scheduled execution. The circumstance prompted then-Illinois Governor George Ryan to suspend the death penalty in the state.

In an interview published November 18 by the university’s newspaper, the *Daily Northwestern*, Protesch stated that he would not comply with the attorney’s office’s demand for personal information on the students. “There are no circumstances under which I will reveal my students’ grades or emails—to do so would violate federal privacy law,” he said. “I will also refuse to comply with any demand to turn over unpublished information, because that would set a terrible precedent for other student journalists. We are picking up the slack because of the lack of resources nowadays to do investigative reporting.”



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