

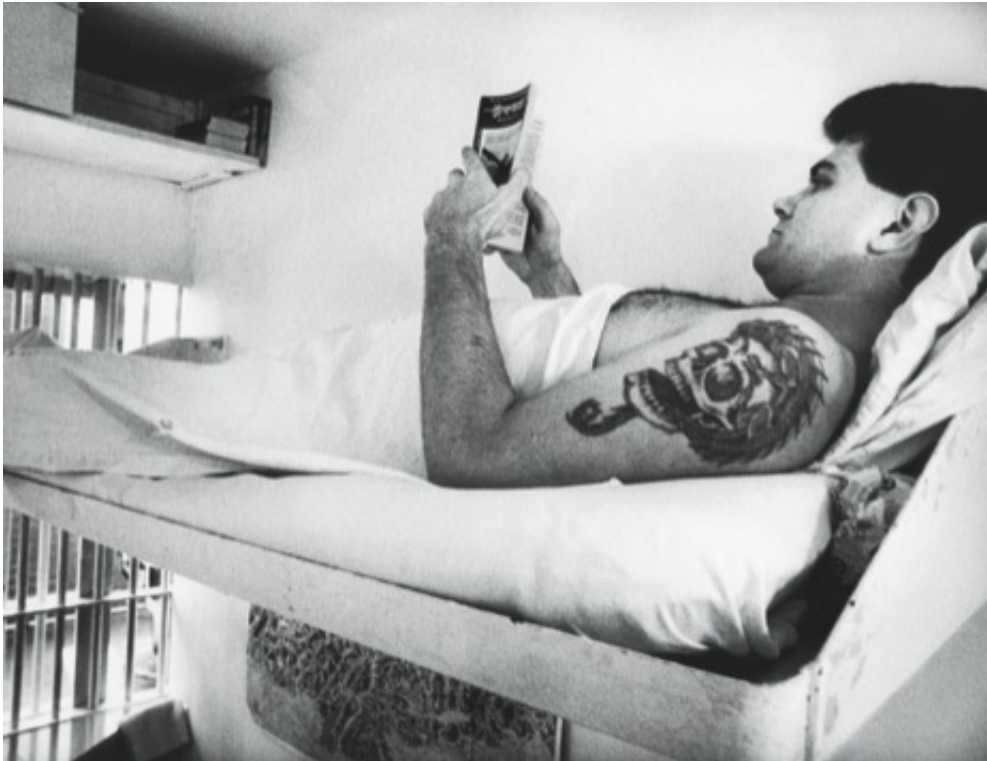


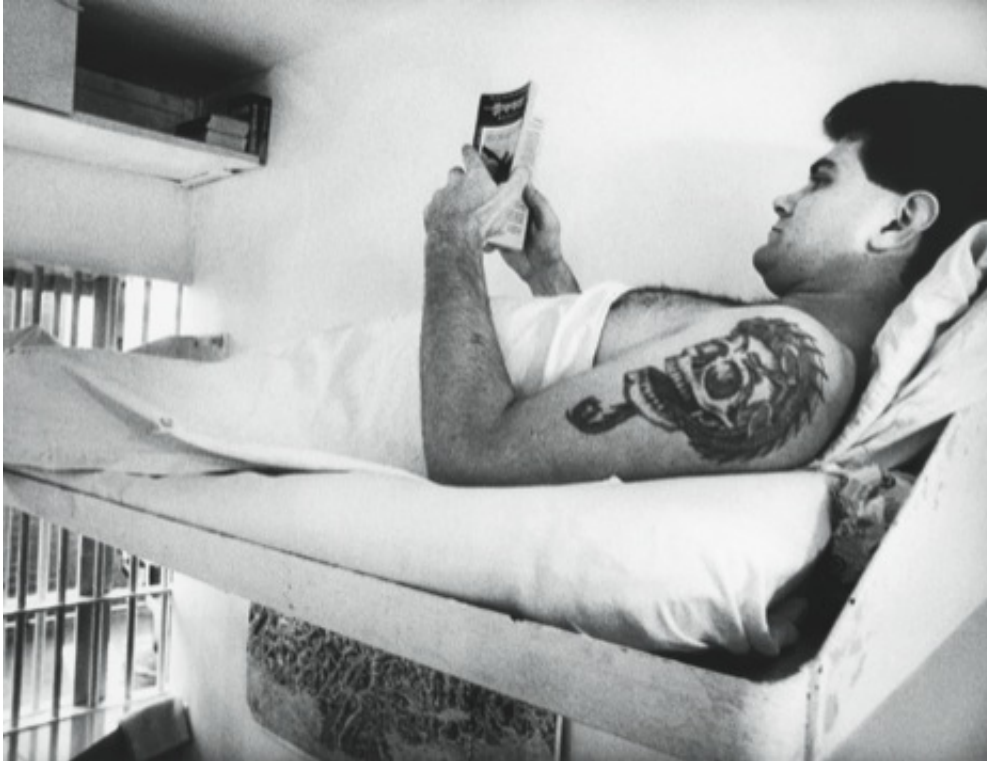
Trial by Fire

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Cameron Todd Willingham

The New Yorker consistently continues to be one of the best magazines in America. I wish there were more baseball articles by Roger Angell and more articles on any subject by John McPhee. Both of them are getting old, however, and so it may not be the magazine's fault.

I encourage you to check out a recent article, [Trial by Fire](#), which asks the following question: Did Texas execute an innocent man? Read the article and draw your own conclusion, but it seems pretty clear that they did. It is a terrific piece of reporting. Cameron Todd Willingham was home with his daughters, a two-year-old and one-year-old twins. His wife was away and Willingham was sleeping, when suddenly he was jolted awake by one of his daughters screaming for him. The house was on fire and Willingham somehow got out, but then he couldn't get back in to save his daughters—all three of them died in the fire. He was charged with murder by arson and ultimately was convicted and sentenced to death.

The rest of the article offers interesting insights into how things can go wrong in the criminal justice system. How do negative initial impressions of a suspect based on irrelevant factors (like his menacing tattoos) influence the interpretation of subsequent developments to reinforce those initial negative impressions? Are investigators who make scientific claims about evidence subjected to rigorous evaluation to determine if those claims are scientifically valid? The arson investigators in this case concluded that Willingham had set the fire based on a series of assumptions ("junk science") that later were disputed by a well-trained and experienced scientist. How much of the



outcome depends on the ability to pay for a better lawyer and consultants who can invest the time to find exculpatory evidence? These issues and many others are raised by the article.

Willingham rejected the opportunity to plead guilty in exchange for a life sentence. He was sentenced to death and executed. The power of the article comes in knowing that Willingham is on death row as the author methodically dismantles the case against him. The article is not a philosophical argument against the death penalty. Instead, the article is persuasive in raising questions about capital punishment because it shows the reader a pattern of errors that could be repeated in other cases. Whatever your views, this first-rate article will cause you to think seriously about the death penalty. I'd be interested in the much more informed thoughts about the article from our colleagues in the courts group.