DNA Tests and a Confession Set Three on the Path to Freedom in 1978 Murders

By DON TERRY

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CHICAGO, June 14 — Early in the morning of May 11, 1978, two sweethearts engaged to be married were abducted at gunpoint from a suburban gas station near here and driven into the darkness to die.

The woman was repeatedly raped in an abandoned townhouse and then shot twice in the back of the head. In her purse, the police found a receipt for a man's wedding band. Her fiancé was also shot in the head, and left to die face down along a creek.

The next day, after an anonymous tip, the police picked up four young working-class black men and quickly charged them with the brutal slayings. The men pleaded not guilty, but a jury convicted them, sending two to death row.

A public outraged by the killings was relieved that justice had been served. There was, however, one problem: It now seems that the men were innocent.

The men, their supporters say, were sent to prison on a railroad of lies and questionable police work. Their cell doors have not been unlocked by scientific advances, old-fashioned leg work, witness recantations, a confession by a convict who said he and three others were the real killers and, most important, the results of DNA testing not available at two earlier trials.

Today, after spending nearly half of their lives in prison for the double murder, three of the men got their first taste of freedom. In a crowded Chicago courtroom, the men, Kenneth Adams, William Rainge and Dennis Williams, were allowed to return to their families, under strict electronic monitoring and home confinement, pending further review of the case. The fourth man, Verneal Jimerson, who, along with Mr. Williams was on death row, was released on bond earlier this year when the Illinois Supreme Court overturned his conviction and ordered a new trial because of witness perjury.

"The DNA is why we are here today," said Jeffrey Urdangen, the lawyer for Mr. Adams. "Without it, it would have taken us much longer."

According to a Justice Department report released today, 28 men convicted of rape have been freed from prison nationwide in the past few years after DNA testing proved their innocence. In addition, a report by the NAACP Legal Defense and Educational Fund says at least 48 people have been released after serving time on death row since 1973 with significant evidence, including DNA, of their innocence.

Just last year, in a celebrated Illinois case, Rolando Cruz walked away from death row when the judge at his third trial directed the jury to return a not-guilty verdict after a police officer admitted lying previously.

But the current case is one of the biggest of its kind in Illinois history.

"I can't conceive of what happened to these men," said Robert L. Byman, the lawyer for Mr. Williams, now 39. "They lost 18 years of their lives, perhaps the best 18 years."

At the courthouse, prosecutors acknowledged that their case was fundamentally changed by the new evidence and the DNA tests, which seem to prove that semen found on the dead woman could not have come from any of the convicted men.

"I do not believe that this issue is resolved," said Andrea Zopp, the First Assistant Cook County State's Attorney. But, Ms. Zopp added, "we are obligated to do what we did today."

The men are not legally exonerated and next appear in court on July 2. Still, their relatives were overjoyed today.

"I never thought I would have a chance to see him free," Joe Hurley, Mr. Adams' stepfather, said after today's hearing. "His mother and me thought we'd be long dead before he ever got out."

A few hours after Mr. Williams walked into the courtroom, shackles rattling from his wrists and legs, he stood in his brother's expansive backyard on the city's far south side and listened to the birds in the trees. He had changed out of the green prison uniform he had worn in court and was dressed in street clothes bought by his lawyer.

As he talked with friends, Mr. Williams tried on a pair of sunglasses but quickly took them off. He said he had not worn dark glasses for 18 years and felt "a little odd."

"Death row does something to your emotions," he said. "When I left death row, I felt like I was leaving a mortuary with a bunch of bodies waiting to be dressed."

A week ago, when he learned his release was imminent, Mr. Williams said, he had trouble feeling anything.

"It's like if you see a ghost," he said then, from his cell. "You believe it, but you don't. I had no doubt the state would murder me for a crime I did not commit. I just didn't think anybody cared."

But a team of lawyers, a teacher, investigators and students cared very much. In court today were three young women, senior journalism majors at Northwestern University in Evanston, Ill., who along with their professor, David Protess, and a private investigator, Rene Brown, spent the last six months going through mountains of files and tracking down witnesses in crack houses and prisons. Mr. Brown had been working on the case off and on since 1980, when one of the initial trial lawyers sought his help.

It is a story straight out of Hollywood, which has already been trying to sign the Northwestern students to a movie deal. It was after the students interviewed a convicted prisoner in another case, Ira Johnson, that he signed an affidavit this spring confessing that he, his older brother, Dennis, and at least two other men had killed the couple.

It is also a story straight out of a nightmare.

Besides the deaths of Carol Schmal, 23, and Lawrence Lionberg, 29, at least one other woman is dead because the authorities failed to conduct a thorough investigation and arrested, prosecuted and convicted the wrong men, Mr. Protess said.

Mr. Johnson, who is black, is serving 74 years for the 1980 murder of a woman he dragged into an abandoned building and strangled.

"She would be alive today, if the authorities had done their job in the first place," Mr. Protess said. "But they didn't care. Any four black men would do."

According to Mr. Protess and court records filed by four men's lawyers, the police knew about the Johnson brothers' possible role in the Schmal and Lionberg killings five days after the couple's bodies were discovered. A witness told investigators that he heard the brothers plan a robbery and later saw them selling distinctive vests that had been stolen from the gas station, according to a police file. The police did not pursue the lead.

Sally Daly, a spokeswoman for the Cook County Sheriff's Department, which initially investigated the double murder, said that the department was "reviewing the case" and that "there seems to be no indication of negligence or a cover-up."

"We spoke to hundreds of people at the time," Ms. Daly said, adding that the department could not confirm whether investigators had talked to either Johnson brother. Dennis Johnson, who his brother says shot Ms. Schmal, died of a drug overdose in Minneapolis in 1993.

Mr. Protess said he did not know why Mr. Johnson confessed to him and his students, Laura Sullivan, Stacey Delo and Stephanie Goldstein, all of whom are 22. Maybe, the professor said, his conscience was bothering him or maybe he figured he had nothing to lose because he was already facing a long prison sentence.

Regardless of the reason, Mr. Protess said Mr. Johnson had at least once in his life done the right thing and should not be punished for it. Mr. Protess said he expected the authorities to prosecute Mr. Johnson for the 1978 murders and try to put him on death row.

"I will do whatever is necessary to prevent the execution of Ira Johnson," the professor said.

But Mr. Protess was too happy to do much worrying today. He threw his arms around Mr. Williams, and they hugged in the big backyard with the birds singing and the sun shining.

And on Saturday, Mr. Protess will have another reason to smile. His three students are graduating from the Medill School of Journalism.

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Chicago Tribune via The Associated Press, 1978

Convicted in the 1978 killings were, from left, Dennis Williams, William Rainge, Verneal Jimerson and Kenneth Adams. Mr. Jimerson went free earlier this year while the other three were released yesterday.

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Lloyd DeGrane for the New York Times

Professor David Protess of Northwestern University, left, talked with Dennis Williams after a Chicago court set Mr. Williams and two others free in a 1978 murder case because of doubts about the evidence against them.