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Reel to Real



The condemned, lawyer Randy Schaffer '73,
and the original true-crime documentary.

By Liz Anderson Hilton

Photo by Picturelux/Alam

Randy Schaffer '73 walked out of the Dallas County jail building two steps behind his 13-year-old son. Next to his son on that Tuesday in March 1989 was Randall Dale Adams, a man who had just served 12 years on death row for a 1976 murder he didn't commit. The young Josh Schaffer '02, on spring break watching his dad argue for Adams's freedom, looked like the lawyer he would become. Proud. Confident. Successful.

Father, son, and newly freed client soon boarded a Southwest Airlines flight to Houston. When the pilot announced he had the honor of flying an exonerated innocent man, the elder Schaffer writes in his new book, [*Tales As Old As Crime*](#), "the passengers cheered, and the pilot sent drinks to celebrate."

With that flight, the unusual trio wrapped up one of the more unusual chapters of true crime in America. Just seven months earlier, the documentary film by Errol Morris, *The Thin Blue Line*—a reference to the prosecution's closing argument in Adams's case that police are the only thing standing between chaos and civilization—revealed in painstakingly eerie detail Adams's innocence, along with the scope of prosecutorial misconduct leading to the wrongful conviction. The film proved instrumental to Adams's release.

Schaffer knew Adams was innocent before he took the case. The United States Supreme Court had reversed and vacated Adams's death sentence in 1980. But Adams never got a new trial. Prosecutors asked Texas Governor Bill Clements to commute Adams's death sentence – the one just reversed and vacated – to life in prison. "There wasn't anything to commute," contends Schaffer. The prosecution argued otherwise. Once commuted to life, the state argued, Adams had no basis for a new trial. Any error, they said, related only to the death sentence and Adams no longer had a death sentence. The Texas Court of Criminal Appeals agreed.

In prison for life, Adams's only option was a writ of habeas corpus.

At the urging of Mildred Adams, Randall's mother, Schaffer took the case for \$300 down and \$300 per month, which she'd pay from her Social Security check. It was a start, but Schaffer knew he'd need more money and good bit of luck to free Adams.

He got both when detective-turned-filmmaker Errol Morris contacted Schaffer about a film project on Texas' death row, specifically hoping to focus on a notorious psychiatric witness for the State known as Dr. Death. Schaffer pitched him Adams's story instead. Morris signed on.

“*“But I thought Randall’s case and the movie would lead to changes in the system. I was wrong.”*”

— Randy Schaffer '73

Morris's decision to focus on Adams's case proved pivotal. Morris had a \$1-million grant for his project. And, critically, the Dallas district attorney's office agreed to give Morris full access to Adams's case file. Those files, a federal court later ruled, must be turned over to Adams's lawyer. Schaffer now had access to all the state's evidence, including evidence pointing to Adams's innocence.

The Thin Blue Line had a limited release in theaters in August 1988. In a genre-bending move for documentaries, the film blended actor recreations with head-on interviews of police, prosecutors, the trial judge, witnesses, Adams, and the actual killer, David Harris. Movie viewers are invited sit as jury, sometimes uncomfortably so. The film became, in effect, the new trial Adams never had.

Of course, a movie didn't free Adams. Republican Judge Larry Baraka, a former prosecutor, heard Adams's second state habeas petition, this time with Schaffer

presenting the previously withheld exculpatory evidence. Baraka recommended a new trial and ordered Adams released on his own personal recognizance. After some last-minute jockeying to recuse Judge Baraka, set a higher bail, and keep Adams behind bars, the state soon declined to retry him. Adams was free.

It only took a trial, an appeal to the United States Supreme Court, federal and state habeas proceedings, appeals to the Texas Court of Criminal Appeals, a \$ 1-million full-length documentary film, and a mother's commitment to get to the truth.

David Harris, 16 years old at the time he killed Dallas Police Officer Robert Wood, was never charged. Harris would kill again. He was executed in 2004 for murdering a man in 1985 during an attempted kidnapping.

"I'm a cynic," says Schaffer. "I didn't feel celebratory even walking out with Randall. I've seen enough to know even when something good happens, there are a hundred things waiting to go bad that day." He adds, "but I thought Randall's case and the movie would lead to changes in the system. I was wrong," he concludes. "They [referring to prosecutors and judges] have simply doubled down." It's harder now for the truth to win out than it was in 1989, he believes.

He's still at it, though, with no plans to retire. Josh Schaffer joined his father at The Schaffer Firm over 20 years ago. It's hard to imagine that 13-year-old who walked out with Randall Dale Adams doing anything else.

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