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## On Taryn Simon's *The Innocents*

*The Innocents documents the stories of wrongfully convicted individuals and interrogates photography's credibility as an arbiter of justice.*

Peter J. Neufeld, Barry C. Scheck author



Below is an excerpt from Peter J. Neufeld and Barry C. Scheck's introduction to the expanded edition of Taryn Simon's *The Innocents*, just out from MoMA publications. [Read more and get the full book](#), and head over to MoMA PS1's website to [watch a series of videos](#) from an evening marking the 30th anniversary of the organization.

Taryn Simon's *The Innocents* documents the stories of individuals who have served time in prison for violent crimes they did not commit. The project was first published in 2003 and was [exhibited at MoMA PS1](#) that same year. *The Innocents* stands as a profoundly important photographic and textual record of some of the earliest DNA-based exonerations in the United States, and as a searing condemnation of the country's criminal legal institutions and processes. The work is now being republished at a critical moment, as Americans are mobilizing en masse to demand a full-scale dismantling and reengineering of our criminal legal system, and as the lines between truth and falsehood are continuously manipulated and redrawn.

The forty-six individuals whose portraits appear in this book represent an instructive cross-section of exonerees. A grave-digger from West Virginia is put away by phony forensic tests from the state's crime lab director; a rich man's son is convicted of child rape in his hometown of Tulsa, Oklahoma, despite the testimony of seventeen witnesses that he was in Dallas, Texas, on the day of the crime; a Black volunteer firefighter holding two jobs and living with a white

woman in Hanover, Virginia, is convicted by an all-white jury based on testimony that the individual who committed the crime “bragged” about having a white girlfriend; a former altar boy managing a Pizza Hut in Austin, Texas, is threatened with execution and shown pictures of the death chamber in Huntsville by his interrogators and confesses to a murder in exchange for a life sentence. Wrongful convictions can happen to anyone, and they do, but they are far more likely to happen to someone who is poor, Black, Brown, or has an intellectual disability or mental health condition.



*Spread from Taryn Simon, The Innocents, 2022*

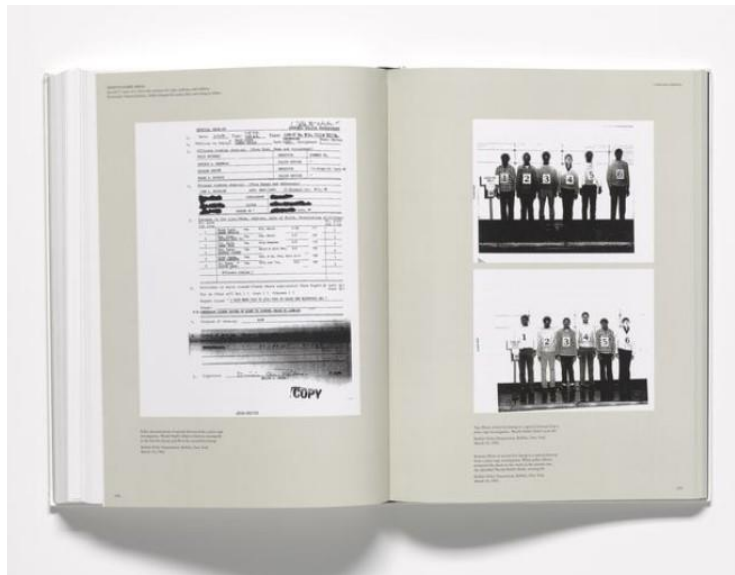


*Troy Webb. Scene of the crime, The Pines, Virginia Beach, Virginia. Served 7 years of a 47-year sentence. From Taryn Simon's series The Innocents, 2002*

Looking at the portraits of these forty-six exonerees—many of whom are actively engaged in criminal legal reform today—we can't help but reflect on the extraordinary growth of the Innocence Network, a broad and international coalition of independent organizations dedicated to the common aim of freeing innocent people from prison and reforming the laws and practices that led to their wrongful convictions. We particularly note the significant contributions that exonerated individuals have made as lawyers, activists, and educators and in countless other roles. Their stories foreground not only the grave injustice of wrongful convictions but also

injustices affecting all people in the criminal legal system, and especially the ways in which the rights of incarcerated people are routinely abrogated on the basis of race, wealth, age, ability, gender, sexuality, religion, and nationality.

When we began collaborating with Taryn Simon in 1999, the organized effort to end wrongful convictions was in its infancy. The Innocence Project (IP), which had opened its doors just seven years prior, was a small clinical program at the Benjamin N. Cardozo School of Law at Yeshiva University, where the two of us and three colleagues struggled to deal with letters from thousands of imprisoned people claiming they had been wrongly convicted. At the time, there were few organizations dedicated to overturning wrongful convictions—including a handful of others at law schools, as well as the Centurion Ministries, a pioneer in the field—and the challenge ahead was daunting.



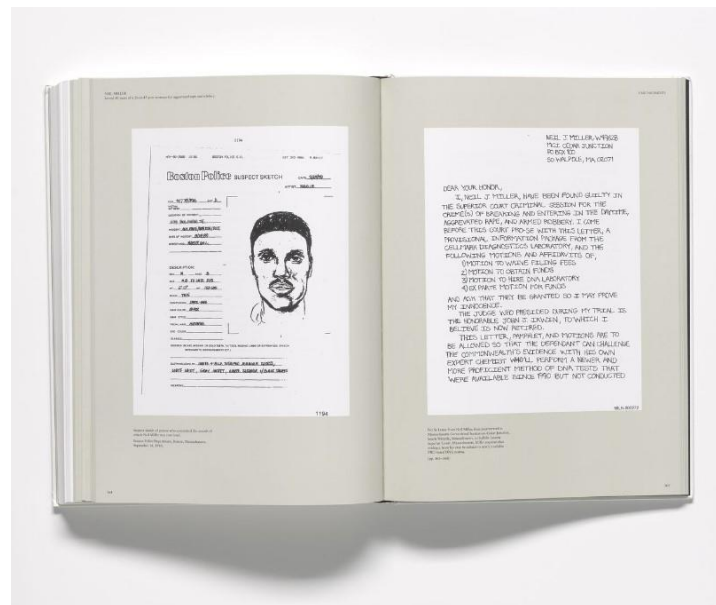
*Spread from Taryn Simon, The Innocents, 2022*



*Charles Irvin Fain. Scene of the crime, Snake River, Melba, Idaho. Served 18 years of a death sentence. From Taryn Simon's series The Innocents, 2002*

When Taryn began her research, DNA testing had been used to exonerate only eighty-two people nationwide; sixty-two of these individuals had been represented or provided legal counsel by the IP. Prior to the first two DNA-based exonerations just a decade earlier, DNA testing had been used solely to determine guilt.

We were witnessing an awakening of sorts—legally, politically, and culturally. Throughout American history, governing bodies have persuaded many Americans that the criminal legal system does nothing less than consistently uphold justice and ensure our safety. But new technology, positioned at the intersection of science and the criminal legal system, undercut that misplaced trust. DNA testing revealed that in fact the American criminal legal system often gets it wrong, and that its flaws are systemic and deep. The revelation of false guilt in case after case compelled more Americans than ever before to confront the deep cracks in the system. Through her portraits of the falsely condemned, Simon’s *The Innocents* documented this fractured system at a moment when science was confronting and challenging the self-professed infallibility of the American criminal legal system.



Spread from Taryn Simon, *The Innocents*, 2022

Twenty years later, our country’s reckoning with its profoundly flawed criminal legal system has reached a new critical moment. Following the killings of George Floyd, Breonna Taylor, and many other Black individuals by American police, a large sector of the American public is contending with these killings not as isolated events but rather as a part of this country’s long history of police terrorism against Black people. Thanks to the effective leadership of the Black Lives Matter movement, there has been a remarkable expansion in national awareness of the systemic racism that pervades all aspects of the criminal legal system, as well as of the legacy of slavery and genocide that continues to permeate to the core of this republic.

The small group of activists Simon and her colleagues first met at the end of the twentieth century has now grown into part of a powerful international human rights movement dedicated to freeing the wrongly convicted and reforming criminal legal systems around the world. There is a robust Innocence Network, comprising fifty-six organizations housed in law schools, public defender offices, and stand-alone nonprofits across the United States, as well as more than a dozen organizations in other countries. DNA testing remains critical to the enterprise. In more

than 375 cases over the past three decades, DNA evidence has served as proof of innocence and secured the freedom of some small portion of those who have been imprisoned for crimes they did not commit. Even decades after a conviction, DNA testing of biological evidence can often produce a more reliable outcome than the original trial and even help to identify the person who actually committed the crime.

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We must always step back and reexamine the bigger picture of racial justice and the criminal legal system in America. The numbers remain both tragic and damning. The United States has five percent of the world's population but 25 percent of the world's imprisoned population. America's courts hand out sentences far exceeding the length of all other Western democracies. Its jails are crowded with people merely accused and not convicted, and our post-release systems of parole and probation are skewed to send the recently freed back to prison for nearly any cause. As this book goes to press, the already dire consequences of America's propensity for incarceration are being further compounded by the COVID-19 pandemic. Overcrowded prisons and jails have emerged as incubators for the spread of COVID-19, and significant numbers of imprisoned people are confined to dormitories where social distancing is impossible and access to personal protective equipment and quality hygiene is extremely limited. The virus is but another example of mass incarceration's disproportionate damage to the poor and people of color.



*Frederick Daye. Alibi location, American Legion Post 310, San Diego, California. Where thirteen witnesses placed Daye at the time of the crime. Served 10 years of a life sentence. From Taryn Simon's series The Innocents, 2002*

Innocence organizations and exonerated individuals are a few of the many players in the national effort to end mass incarceration and overcriminalization and, in the process, address disparity and intolerance. The legislative, executive, and judicial branches can take action to address many of these issues, but their efficacy is limited. Victories won today can be diluted or abrogated tomorrow in a new election or in a shift in the composition of an appellate court.

Enduring reform, which must include dismantling the carceral state and replacing it with restorative justice models, will come only from substantial changes in our thinking, assumptions, and beliefs. The hearts and minds of the people must progress away from the primacy of punishment and a reflexive fear of crime. The narrative of wrongful conviction plays a critical role in transforming the public's understanding of America's fractured criminal legal system. In Taryn Simon's *The Innocents*, we bear witness to the forces that lead to immense injustice, and we are implicated.

Peter J. Neufeld and Barry C. Scheck are cofounders and special counsel at the Innocence Project, affiliated with the Benjamin N. Cardozo School of Law. The Innocence Project is a national litigation and public policy organization dedicated to exonerating wrongfully convicted people through DNA testing and other scientific means and reforming criminal legal systems to prevent future injustices. They are partners at Neufeld Scheck & Brustin (formerly Cochran Neufeld & Scheck), a New York City civil rights law firm.

Get your copy of Taryn Simon's *The Innocents* today, and watch a series of videos from an evening marking the 30th anniversary of the organization.