the hardest stories to tell: what an intense new clinic project is teaching seven students about war, mercy, and the frailties of the human mind

by becky beaupre gillespie

Driving through Fort Leavenworth last November in her rented sedan, Kathleen Kinsella, ’16, noticed two things: First, the US Army base, tucked in the northeastern corner of Kansas along the Missouri River, was gorgeous. It was a vibrant autumn tableau of burr oak, cottonwood, catalpa, and sycamore trees sharing a hilly campus with historic buildings, some dating to the nineteenth century. And second, there were armed soldiers at the gate and what appeared to be human-shaped targets visible from the road. She’d never been to a prison or on a military base, and she felt unsettled, out of place, and overwhelmed as she headed to the United States Disciplinary Barracks, the maximum-security military prison in which her client was serving a life sentence.

So much of what lay before Kinsella was unfamiliar, unknowable, and daunting. But her discomfort was matched by a steady determination and—this part surprised her—by a growing acceptance that justice sometimes inhabits the viscid gray area between right and wrong. In a few months, she was going to ask President Obama to grant clemency to Calvin Gibbs, the former soldier convicted of murdering three Afghan civilians and saving their body parts as trophies—a situation, she would argue, that is inextricably rooted in the agonies of modern war and the nation’s failure to adequately meet the mental health needs of those it sends into combat.

It wasn’t a typical Law School clinic project: the work was a thistly blend of military law, mental health advocacy, and executive clemency—and the seven clients, including Gibbs, had already lost much of what they had to lose. (It should be noted, however, that Gibbs is appealing his conviction, something Kinsella would need to consider as she wrote the clemency petition. Gibbs has consistently said that he was acting in self-defense.) This wasn’t a man who would command easy sympathy; two other soldiers who pleaded guilty to the murders testified that Gibbs had been the mastermind behind their “thrill kill” team, a claim he denies but that was the focus of countless media stories and a 2013 documentary film, The Kill Team. Despite all this, Kinsella’s job wasn’t to say he’d done nothing wrong; it was to explain how he became the kind of man who collects human body parts, a detail he doesn’t deny. She needed to tell the bigger story, the one most people can’t or don’t want to see, the one that makes us wonder what any of us might do if pushed to unthinkable extremes.

For now, though, her mission was simpler: to meet her client, build trust, and take notes. Except the sergeant who greeted her told her she couldn’t bring her laptop into the meeting room, an unexpected hiccup in an already strange day. More significantly, he said Gibbs wouldn’t see her. When the guards had gone to get him, he’d accused them of lying and had refused to leave his windowless room in solitary confinement.

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Clinical Professor Mark Heyrman understood the steep odds and considerable challenges when he agreed last year to add the Combat Clemency Project to the Law School’s Mental Health Advocacy Clinic, which he has directed since 1978. The project, brought to him by a military defense lawyer he knew from mental health policy work, would involve representing combat veterans who had been convicted of at least one homicide while deployed in either Afghanistan or Iraq. In each case, the lawyer said, it appeared that the client suffered from post-traumatic stress disorder, traumatic brain injuries, or both—crippling war souvenirs that had gone undetected or untreated but had set the stage for their crimes. From Heyrman’s standpoint, this was an opportunity to deliver a modicum of relief to men whose years of sacrifice had been eclipsed by the worst moment of their lives, to teach students some of the hardest lessons of advocacy, and to highlight the devastating toll of combat on the human psyche.

“We owe more to our veterans than to just use them in our wars, traumatize them, and throw them away when they behave badly,” Heyrman said one day last fall as the project was just getting underway. “Even if their crimes are very serious, we owe them more. We need to look at ourselves in the mirror—we need to be sure we are treating these veterans fairly and with mercy.”

Although Heyrman is an expert in mental health law, neither he nor his students had experience with military law, which operates under the Uniform Code of Military Justice and prosecutes via court-martial rather than the civilian court system. Nor did they have experience with executive clemency, a hard-to-predict process in which the President might issue a pardon, shorten a sentence, or do nothing—choices he isn’t required to explain or even act on in a specific timeframe. The clients’ stories would be tough to hear and tougher to tell. How do you request mercy for a guy who killed when he was supposed to protect? Executive clemency is a slim proposition even when the client garners sympathy; these cases, quite simply, were long shots—and ones that might well invite criticism and backlash. What’s more, Heyrman and his students wouldn’t even have peers to whom they could turn for advice: the Combat Clemency Project is the only law school initiative of its kind anywhere in the country.

To understand why Heyrman said yes—and why his students, some of whom initially were unsure, said yes—it is important to understand that war has changed. Although it has long been recognized that combat affects the human brain—even before PTSD became an official diagnosis, terms like shell shock and soldier’s heart were used to describe the psychological wounds of war—concern has surged alongside mounting stories of veteran suicides. In fact, in December, two months after the New York Times reported on a group of Marines with a suicide rate 14 times that for all Americans, Congress passed a bill requiring the Departments of Defense and Veterans Affairs to study the long-term effects of combat on the mental health of veterans. The wars in Iraq and Afghanistan—where combat missions have formally ended but troops remain—were grueling in ways most of us can’t imagine. There, the enemy isn’t in uniform and isn’t always recognizable; it can be anyone, even women or children. Combat troops must be on constant alert, sometimes around the clock, and they’re forced to make snap judgments about danger—calls they don’t always get right. They encounter mind-numbing violence and repeated exposure to brain-injuring improvised explosion devices, or IEDs.

“It’s almost hard to imagine from here, in pretty-safe America, what it’s like to be in a combat situation where any minute you can be killed,” Heyrman said. “Even when you’re back in your barracks, your barracks can be overrun. You can be shot by a sniper from a mile away when you’re just going to the latrine or getting food for dinner.”

For combat soldiers, death is front-of-mind; one student said her client had gone grave shopping with his dad before his third deployment. Despite all this, numerous barriers have kept combat service members from getting adequate mental health care, Heyrman and his students said, including an ingrained belief that “real” soldiers are tough and unbreakable, an ethos that prevents some from seeking help.

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— MICHAEL LOCKMAN, ’16
“If our clemency petitions succeed, we’re going to send two loud messages to the American public, to the military community, to the international community,” said Michael Lockman, ’16. “First, that we need to stop treating our soldiers like human beings and not like machines of war. And second, that we can’t hide our national shame for crimes like these by pinning it on one soldier and calling him a rogue and a cold-blooded killer instead of recognizing the larger systemic problems that contributed to these crimes. Robert’s crime was a product of the wars that were fought in our name.”

Lockman’s client is former Staff Sergeant Robert Bales, who is serving life in prison without parole for murdering 16 Afghan civilians, eight of them children, in the deadliest war crime by an American soldier since the My Lai massacre in Vietnam. The crimes were unfathomable: in a rage late one night, he walked to two separate villages in Kandahar province in southern Afghanistan and opened fire, returning to the base in between to reload. The youngest victim of his rampage was 2. But also horrifying were the experiences that came before. Bales, who joined up after 9/11, had been deployed four times, three times to Iraq and once to Afghanistan. The tours were punishing, sometimes consisting of 16-hour missions day after day, deadly firefights, and IED explosions that maimed and killed fellow soldiers. Bales himself had been blown up multiple times and suffered multiple TBIs, or traumatic brain injuries. He’d been showing signs of paranoia and at one point was diagnosed with PTSD but had essentially talked his way out of therapy. To cope, he’d been drinking and taking sleeping pills and steroids. Several days before the massacre, an IED buried near a dead tree had blown the leg off another service member, and in his rage, Bales had spent hours destroying the tree. By the night of the murders, Bales said, he hadn’t slept in days.

One could say that none of this backstory matters, not when 16 innocent people died. But therein lies the complexity. Bales, after all, is more than his most grisly failure—and, as Lockman sees it, America’s ability to prevent repeats may well rest in our ability to recognize that calling Bales an aberrant monster is dangerously simplistic. It robs us of our chance to care for other combat soldiers before similar crimes occur.

This is part of the cognitive leap that lies at the very heart of the project, one Heyrman describes this way: “How can you think someone is a nice guy who killed 16 people?” The answer is that you don’t try to separate the two; instead, you develop the emotional strength necessary to see that they’re both true.

“I listened to Bales’s story in extreme, minute-by-minute detail, and it’s a horrible story,” said Heyrman, who visited Bales at Fort Leavenworth before the project began. “But it’s a horrible story in which you’re hearing about innocent people dying, and you’re hearing it from the mouth of the person who killed them. It was painful for me, and it was painful for him, and that’s as it should be. At the end of the day, I was just completely exhausted—and not from the travel.”

This would be an important part of the experience: each student would have to meet his or her client in person. The clinic had outside funding to pay for one trip per student, so six would visit Fort Leavenworth and one, whose client is on parole, would meet her client in Memphis, Tennessee. Three former Judge Advocate General’s Corps attorneys, including the lawyer who initially brought the idea to Heyrman, would serve as volunteer advisors; they’d bring the clients and the military-justice expertise. The clinic’s social worker, Michelle Geller, would share information on secondary trauma and be available if students found themselves grappling with unusual distress.

But to be sure the students really understood the project, Heyrman introduced it by holding what several people called the most intense lunch talk they’d ever attended. On October 2, Bales’s wife, Kari Primeau, and the paroled client, Michael Williams, stood before a packed Law School seminar room and shared their stories. Williams, deeply emotional, spoke of the intense training he received after joining up at 19, and of the daughter who was born while he was awaiting court-martial. He said he only saw her five times during his decade in prison. “When she sees me,” he told the audience, “she calls me Mike.” Primeau described the Bales she knew: the loving husband who

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supported her pregnancy from afar, reading *Parenting with Love and Logic* and discussing the chapters with her over the phone; the doting father who missed his kids; the exhausted soldier who seemed like a different person when they’d Skype during his fourth and final deployment. She talked about her daily struggle to make sense of his crimes.

One by one, the students told Heyrman yes, they wanted in. There were seven: Kinsella, Lockman, Eamonn Hart, ’16, Hayley Altabef, ’17, John White, ’16, Kayla Gamin, ’16, and Stephanie Spiro, ’16.

“This will be a valuable experience for them,” Heyrman said in October. “As Kari Primeau said, that one day for her does not define Robert Bales, and it seems to me that students need to understand that these kinds of things could happen to almost anyone. If you really want to live in the world and understand how difficult the world is, you have to be willing to open yourself up to a complicated and painful understanding of the horrible things that happen.”

Truth be told, for some of them this wasn’t exactly a selling point.

Kinsella initially told Heyrman no. She was a part of the Mental Health Advocacy Clinic and had written a paper on PTSD last year, and when he first mentioned last spring that he might launch a project involving the mental health of combat veterans, she was intrigued. But when he presented the details in the fall, she was reluctant to participate. She’d worked with refugees, even traveling to Lebanon, as part of the International Refugee Assistance Project. She simply couldn’t wrap her brain around the idea of advocating for someone who had been convicted of killing Afghan or Iraqi civilians.

“I was really conflicted,” she said. “It was a big moral issue for me.”

But after the lunch talk, Kinsella softened. “These men are human,” she said. “They went to war because we, as Americans, asked them to. Many suffered trauma and then went back again without adequate mental health treatment. And once they committed these crimes, we threw them to the wolves.”

She went back to Heyrman and told him she was in. Which is how she wound up at Fort Leavenworth the Monday after Halloween, waiting for two hours until Gibbs finally decided to see her.

When he did, they settled into a small office—Gibbs with his hands shackled at his waist until Kinsella gave the guards the OK to release them, Kinsella seated in front of a red emergency button—and began to talk. She never felt threatened, but she worried about pushing too hard, and about finding the right balance between professional demeanor and empathy. It was a hard and intense day—and one that didn’t even include the most disturbing details of his combat experience, which would come out weeks later over the phone.

But it was enough to get her started—a chance to meet the human, not the villain of the court-martial transcripts. It was also a chance to talk strategy face to face. Each student, of course, had to decide what kind of clemency to request. Options included a full pardon, which is an act of official forgiveness in which the petitioner accepts responsibility for the crime but the remaining punishment is waived, or some form of commutation, such as an immediate release or a reduction in sentence with eligibility for parole. Clemency does not imply innocence, though a pardon removes civil disabilities, such as restrictions on the right to vote, hold state or local office, or sit on a jury. Kinsella was planning to request for Gibbs a reduced sentence, earlier eligibility for parole, and mental health treatment.

She also needed to figure out how to address Gibbs’s appeal, because, technically, the clemency process is reserved for those who have exhausted all judicial and administrative appeals. Although Gibbs admitted to taking the body parts—fingers and a tooth—he has consistently said he was innocent of murder and that he believed the killings happened in legitimate combat situations. Kinsella, who was
still awaiting a full psychiatric report when the magazine went to press, hoped to argue that that Gibbs suffered from “hypervigilance,” a symptom of PTSD in which the sufferer perceives threats as greater than they are.

Even if he had committed murder, she would argue, his mental health had been severely compromised—both by his experiences in combat and by a childhood so troubled that it contributed to the mental illness that should have been detected had he been more rigorously screened. What he needed now, she said, was treatment. “His notion of self-defense was excessive because it was caused by a mental illness that stemmed from violent events during war,” Kinsella said. “He deserves mercy.”

Kinsella wasn’t the only one who had to take an appeal into account. Some students had to explain the urgency of their requests or ask for waivers, which are rarely granted. But the odds in an executive clemency case are always long: the vast majority of petitions are denied or closed without presidential action. As of February 9, 2016, Obama had received 2,289 petitions for pardons and 19,154 requests for commutations—and he had only granted 70 pardons and 187 commutations. The majority of the commutations had been granted since 2015, many as part of a push by the Obama administration to increase the

FIGHTING MANDATORY MINIMUMS

By Claire Stamler-Goody

Eugene Haywood—a client of the Law School’s Federal Criminal Justice Clinic (FCJC)—had served nearly fifteen years of his mandatory life sentence for a nonviolent drug crime when President Barack Obama commuted his sentence. With thousands of clemency petitions pending and thousands more already disqualified, obtaining one of the 187 commutations that Obama granted in the past seven years was more than a long shot. But the gravity of the FCJC winning this case goes far beyond beating the odds—by proving that Haywood didn’t deserve life in prison, the clinic also underscored the need for sentencing reform.

In taking on Haywood’s case, Assistant Clinical Professor Judith Miller, who works in the FCJC, hoped to use the clinic’s expertise on federal sentencing to help one indigent client obtain clemency. The case, Miller said, would also serve the FCJC’s broader mission of promoting fairness in the criminal system.

“Eugene is one of many people sentenced to far-too-lengthy prison terms—people who have done wrong but who were also victims of an unjust system.” Because Haywood had been convicted of drug crimes twice in the past, federal law allowed the prosecutor to force the judge to impose a sentence of life imprisonment.

Although Obama addressed the issue of oversentencing for these 187 people, the broader problem cannot be fixed through clemency alone, Miller said.

“The pardon power is an important constitutional power, but we shouldn’t have to depend on individual acts of mercy to solve what is really a systemic problem.” A first step to solving the problem systemically, Miller added, would be passing one of the sentencing reform bills currently pending in Congress.

Since fall of 2014, five students in the FCJC have worked on Haywood’s case. This clinic gives students the opportunity to represent indigent clients charged with federal crimes, allowing them to write motions and briefs, examine witnesses, negotiate with prosecutors, and argue before federal judges.

“Students were integral at every moment during this case,” Miller said. “Eugene completely turned his life around, but helping him show that to the pardon attorneys required an enormous amount of dedication and insight from the students.”

Grace Goodblatt, ’16, got involved in the FCJC in 2015, building off of the case that previous students began a year earlier. Working on the petition, Goodblatt said, required countless interviews with Haywood and those who knew him, ultimately telling the story of a man who didn’t deserve to be in prison for life.

“We were a team—it was a lot of work and there were a lot of hands on deck, so it felt very much like we were all in the trenches together. It was a really rewarding experience that I feel lucky to have been a part of,” Goodblatt said.

Students’ involvement in the clinic, Miller said, shows them that practicing law is not only research, writing, and appearing in court. “It is taking responsibility for your client and feeling the weight of that when you go to sleep at night and when you wake up in the morning. We want our students to learn how to take this seriously without having it be overwhelming.”

The magnitude of this victory and its impact on Haywood is something Miller hopes students will take with them after law school. “This case ended with our client being freed from prison—it’s a once in a lifetime experience.”
exercise of clemency power, particularly in shortening
the sentences of nonviolent drug offenders—a mission
that didn’t apply to the veterans’ cases but had resulted
in a victory for the Law School’s Federal Criminal Justice
Clinic late last year. (See sidebar on p.13.)

What’s more, although the President has the sole
authority to grant clemency, a power laid out in Article
II of the US Constitution, he’s the generally last person
who reads a petition. With court-martial convictions, the
petition goes first to the secretary of the military branch
with original jurisdiction; in the case of Gibbs, Bales, and
the other Combat Clemency clients, that’s the Secretary
of the Army. From there, it can go to the Office of the
Pardon Attorney at the US Department of Justice, where
it must be signed by the Deputy Attorney General before
going to the White House counsel’s office. At each stop,
there are multiple layers of review, as well as input from
prosecutors and the judge on the case. There is no formal
timeline, and the President isn’t constitutionally obligated
to adhere to the administrative procedures or even act
on the petition. As a result, a clemency petition, in many
ways, is wide open: there is no case law to cite, no legal
argument to make, and little in the way of strict guidance.
It is, as Heyrman puts it, pure persuasion.

“That’s a different kind of persuasion than relying on
precedent and saying: this case is like that older case,”
John White, ’16, said. “It’s about bringing humanity to
your client, and it’s about bringing the real world to the
facts that you have. The hardest part of this is knowing
what an uphill battle we have. There are thousands of
clemency petitions, and it is difficult to know that the
numbers are not in our favor. But that’s also motivation
for us to do the best work we can.”

White’s client was Clint Lorance, a former first
lieutenant in the Army who was convicted of two counts
of unpremeditated murder and one count of attempted
murder for ordering soldiers in his unit in Afghanistan to
open fire on a motorcycle carrying three men.

“We know that Clint did something wrong, and that has
to come out,” White said. “This isn’t like setting up the
facts section in a brief. You really are telling a complex story
where, at the end of the day, your client did something
wrong and you have to explain why. So, what I’m trying to
do is explain what led Clint to make the decisions he made,
and there’s a story there. Before he committed those crimes,
he’d only had about 36 hours of combat experience, and
he’d only been platoon leader that long. He came into that
position because the previous platoon leader was seriously
wounded. So this was a guy who was inadequately trained,
Robert Bales was an American hero.

That was the dichotomy Lockman sought to capture. It was one that drove right at the heart of the policy issue: if someone like Bales can snap, doesn’t that mean that anyone who is subjected to extreme conditions could? Might this tragedy have been prevented if Bales had received more aggressive mental health screening and treatment?

These were the questions that drove Lockman, along with the knowledge that the clemency relief he sought—a reduced sentence that would make Bales eligible for parole in either 10 or 20 years, as well as immediate access to mental health services—could make a big difference for Bales. But to even have a shot at accomplishing these things, he had to think in terms of mercy, not justification.

“No matter what we are able to achieve,” Lockman said, “whether for Robert, or for military mental health policy, Robert’s crime in Kandahar will always remain a great tragedy.”

Hayley Altabef, ’17, had similar struggles early on: she wanted to get to the bottom of what had happened, to figure out who was right. Her client was Williams, the parolee. He had been convicted of one count of premeditated murder and one count of unpremeditated murder in the 2004 deaths of unarmed Iraqi civilians who had been killed during house-to-house searches in the Baghdad suburb of Sadr City, which at the time was the site of frequent skirmishes.

During the court-martial, prosecutors painted a picture of a rogue soldier. In one case, they said Williams had removed handcuffs from a man before shooting him twice. But Williams told a different story: he said he’d fired after seeing the man reach for his weapon—a split-second decision made in an extreme environment. For a long time, Altabef went back and forth—did Williams shoot an unarmed man intentionally, or not? (The unpremeditated murder conviction was connected to an event that same day in which Williams ordered another soldier to fire.)

From the beginning, Lockman pushed himself to understand Bales. He’d wanted the challenge of taking on the most notorious client and working out the right strategy; he’d put Bales as his first choice when they were getting matched with clients. And so he pored over thousands of pages of materials—resisting the urge to write Bales off as a “monster”—and immersed himself in the details of Bales’s combat experiences, his motivations and reputation, his family life.

“It’s very easy to look at this case and to turn away in disgust and horror,” Lockman said. “But that’s the easy way out. The harder but more productive way to look at Robert’s crime is to try and learn from it to improve military mental health: locking Robert away for the rest of his life will not bring his victims back. Large-scale military mental health reform, however, can have a significant effect on preventing similar crimes from occurring in the future.”

During his visit to Fort Leavenworth at the end of October, he and Bales focused on more than the killings. In some ways, the puzzle of Bales’s crimes—and the broader picture of systemic failure that Lockman was committed to addressing—was best understood through what came before: the concussions, the exhaustion, the fighting. His constant focus on staying alive.

“If you isolate the framework to the morning of March 11, 2012, between the hours of 12:30 a.m. and 4 a.m., you’re going to see a horrific picture,” Lockman said. “It’s important for me, and for the public, to take a step back and look at the bigger picture, the confluence of factors that led to the crime. We cannot ignore the gravity of the crimes that occurred. Robert certainly doesn’t ignore it. But the compelling question is how a crime like this could ever occur. This wasn’t a crime committed by a soldier who had a previous history of illegal violent conduct.”

Lockman paused.

“Until the morning of March 11, 2012,” he said, “Robert was an American hero.”
“It changes throughout the day for me,” Altabef said in early December, shortly after she’d finished reading 642 pages of court-martial documents. “I’ll think, ‘I don’t believe that witness,’ and then I’ll read the next thing and think, ‘Well, now I don’t know.’”

But by late January, she’d shifted her thinking away from trying to figure out or judge the events of 2004; the court-martial had already done that. “I’ve stopped thinking, ‘Did he do this? Should he have been punished?’ As I’ve been writing, I’ve had to throw all of that out the window and start from: What Mike did was wrong, he’s been adequately punished, now what?” Altabef said. “Now I don’t think about what was right in 2004—I think about what’s right in 2016.”

In 2016, Williams is struggling to build a life and, most importantly, to build a relationship with a daughter, now 11, who was born while he was awaiting his court-martial. A pardon wouldn’t erase the crime, but restoring some of his rights might help in an ongoing custody battle, and it might help him build credibility in the eyes of the child he is trying to know. “This would go a long way in helping her put his offenses in context,” Altabef said. “Having a pardon would be huge—he’d be able to say, ‘I did something horrible, but the President has forgiven me.’”

These are the two sides of her client that Altabef gradually learned to reconcile: the loving father who told her over barbecue in Memphis how much he longed for a relationship with his daughter—and the man who had been convicted of murder. Williams himself was still visibly grappling with his situation when he spoke at the Law School in October. The military, he explained, had trained him to kill, and that training had changed him.

This was the source of an ongoing struggle, one that may well offer insight into his mental health: it was hard, he told the audience, to feel remorse.

“I have a unique skill . . . and it was a skill that would actually make me a very great soldier,” Williams said quietly the day he visited the Law School. “I’m very good at killing.”

The seminar room at the Law School was packed. Bales’s wife, Kari Primeau, had gone first. Then Williams, dressed in a suit, his hair gelled and combed, stood to speak. He looked visibly distraught.

“I seem emotional today not for all the killing that I did,” Williams said, his voice cracking, “but because I don’t feel any remorse.”

His words hung in the air after he spoke them—nobody coughed, nobody moved. It was a poignant moment, but it also was something Altabef didn’t want others to misunderstand: his comment wasn’t a refusal to accept responsibility. He fully understands that his actions were against the law, she said; he served his time and is focused now on becoming a contributing member of his community. His struggle isn’t about what he knows, it’s about how he feels—something that Altabef said has been compromised by his trauma.

“That kind of intimate remorse just may not be possible for him after what he’s been through,” she said. “That’s something war did to him.” Moreover, at the time of his crime, he believed he was doing the right thing for his squad—he was doing what he’d been trained to do.

“I think it is incredibly complicated to delineate between sanctioned and unsanctioned violence while at war, especially when combat training teaches that a soldier’s singular goal is to kill the enemy,” she said. “In my mind, under these particular circumstances, whether Mike feels personally remorseful is less important than him understanding why his actions were wrong.”

Altabef also needed to contend with the timing of Williams’s release in 2014. Technically, petitioners do not become eligible to apply for a presidential pardon until five years after release from confinement, a rule “designed to afford the petitioner a reasonable period of time in which to demonstrate an ability to lead a responsible, productive, and law-abiding life,” according to the US Department of Justice. But if he waits, he will have missed years with his daughter—his primary reason for seeking mercy.

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— JOHN WHITE, ’16
soldiers decided to take a flatbed truck back to base for supplies. At the last minute he decided not to go, and his friend, a fellow soldier, took his place. A block out, the truck exploded. The soldier who took his place died.

Another day, during a street patrol with his unit in Iraq, they saw a car approaching quickly. They signaled to it to stop, but when it swerved toward them, they opened fire. When the car stopped, they looked at the bodies inside: a pregnant woman in the passenger seat, shot through the stomach, two infants in her lap, one dead with intestines spilling out, the other alive. The driver’s brain was splattered everywhere. He still smelled of alcohol.

Kinsella stopped there; it was hard to retell it without getting emotional. Gibbs had learned to protect himself from the hurt of his stories, and he’d warned Kinsella: “I’m going to tell you these stories without any emotion,” he said. “I don’t want you to think I don’t feel anything, it’s just that I can’t feel anything.”

As Kinsella finished the petition in February, Gibbs was still in solitary. She’d learned that it was not an uncommon spiral for inmates with mental health issues: behavior stemming from the condition would land them in solitary, and solitary would exacerbate the condition. It’s why her petition, like most of the others, included a request for mental health services. There was no doubt in her mind that Gibbs needed help. She hoped she would be a part of getting him that help.

In the end, Heyrman said, their success will most likely depend on how President Obama feels about the broader issue and whether it fits with his feelings about the wars and his own legacy. But whatever happens, Heyrman said he was glad that the Mental Health Advocacy Clinic took on the cases—and that the seven students were willing to take on such immense challenges. It was clear as he reflected on the past months that he was proud of them.

“It’s been an overwhelming experience—these cases have been intense, and they’ve imposed a different sort of responsibility on us,” Heyrman said. “Clemency is an act of grace by the President. It’s about whether the President thinks it’s a good idea to grant mercy. That makes you think about all kinds of ideas: how our country should work, how the President should behave, and how we as a country should think about things. We don’t often think that way in law school.”

At press time, the Combat Clemency Project students were preparing to submit their petitions. To find information on clemency petitions that have been granted, visit www.justice.gov/pardon/clemencyrecipients.

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