

## BOOK REVIEW

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### A Review of "Scapegoat Justice—Lloyd Miller and the Failure of the American Legal System"

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**REFERENCE:** Lassers, Willard J., *Scapegoat Justice—Lloyd Miller and the Failure of the American Legal System*, Indiana University Press, Bloomington and London, 1973, 234 pp., \$7.50.

This could well be the most important book ever reviewed in this journal. Certainly its lesson is trenchant for every Fellow of the Academy. The author, a lawyer, details an account of a criminal case which began in 1955 with the rape and murder of an 8-year-old girl in Canton, Ill. As absorbing as Truman Capote's *In Cold Blood*, he recounts the happenings from the time of the murder until the case against the convicted murderer is closed 16 years later. The story starts with the suspect coerced into a confession and continues with suppressed and falsified evidence by the prosecution, the defense being denied access to evidence or reports, a criminalist falsely testifying in court, an unstable and unreliable witness helped by the prosecution to render perjured testimony, and the suspect being convicted and sentenced to death.

In the succeeding nearly 16 years until 1971, 13 lawyers donated many months of time and considerable out-of-pocket expenses to reverse that decision. Many stays were obtained within hours of scheduled execution. The suspect was finally freed by the United States Supreme Court because "The Prosecution deliberately misrepresented the truth"; four more years of wrangling elapsed before the prosecution finally decided to dismiss the indictment.

How could such a perversion of justice occur? How many other such cases have there been? The use of "scapegoat" in the title gives a clue. In crimes of passion, especially involving children, the public demands a culprit. The pressure on the police, the prosecutor, and on the criminalist is profound. Not everyone can withstand such pressure, but the crime is not there. The crime lies in the system that allows such pressure. Even today in some of our largest states there are criminalists who fear that kind of pressure with, at least, the implied threat of loss of job. Hopefully, we can look forward to the day when physical evidence is scientifically studied with a sincere effort made to protect the innocent as well as to find the guilty. I am familiar with such a system in Switzerland, where it works very well. I see progress in that direction in some of these United States, but until the defense has access to the physical evidence and the laboratory reports we will not be free from "scapegoat justice."

The book is excellently written, with a lawyer's gift for facts logically presented. Every criminalist should certainly keep a copy on his bookshelf in full view of his visitors and himself.

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