

Useful exposé of 'injustice' system, but weak solutions

by Nancy Spannaus

Presumed Guilty: When Innocent People Are Wrongly Convicted

by Martin Yant

Prometheus Books, Buffalo, N.Y., 1991
231 pages, hardbound, \$22.95

This book is a valuable, if somewhat repetitive, exposé of the systemic injustices of the United States' criminal justice apparatus. Unlike books which take one particular case or another, Yant's book provides so many cases from so many areas around the country that it is impossible for the honest person to say that we are talking about aberrations. Most are murders and robberies, ordinary crimes. Yant is right that there are hundreds of people who have been convicted despite their innocence, some even killed, and that the system has to be corrected.

It is also quite useful that Yant approaches this horrible situation from the standpoint of proposing to solve it.

His last chapter includes a whole series of suggestions, summed up under the indispensable concepts of Martin Luther King, Jr. and Athenian lawmaker Solon. King said: "Injustice anywhere is a threat to justice everywhere." Solon had argued that "justice could be achieved whenever those who were not injured by injustice were as outraged as those who had been."

No restrictions on 'voir dire'

That being said, I must disagree with many of Yant's proposals, especially the one which calls for reducing the *voir dire*, or questioning, of the jury pool. Moves to restrict such questioning, taken primarily in the name of saving money and being more efficient, are demonstrably in the direction of enhancing even further the power of the prosecutor, and denying rights to those accused. His proposal on a European-style magistracy to investigate the crime rather

than the prosecutor, is more interesting, given that the European system appears to be somewhat more successful than our own in the United States.

The question which this book begs, is what is the real cause of the immorality, cheating, and brutality that is documented. No answer could be complete without addressing the fact that the United States is enmired in an overall decline in morality, wherein the value of the individual and of the truth before God has become increasingly belittled. I would trace this decline back a lot further than most—in fact, to the cultural decline which began in the period of Social Darwinism in the last part of the 19th century, and has accelerated during our century.

Our political and judicial leaders in fact reflect the qualities of our population, and what it will tolerate. Thus, to the degree that U.S. citizens have reduced their own sense of identity to that of pragmatic pleasure-seeking or survival, so has the justice system dropped its higher purposes in the name of "getting the job done." That means in fact abandoning some of the central commitments of the U.S. judicial system, especially the one which treats the accused as innocent until proven guilty.

Yant's stories reflect this truth by recounting how numerous of the victims of injustice have been saved as a result of massive publicity by novelists, or other writers. As the injustice has been revealed, ordinary citizens have mobilized to ensure that the court's atrocities are reversed.

These rescues of the innocent were particularly striking to this reviewer, who is a newspaper editor and the wife of a political prisoner who was convicted with Lyndon LaRouche. For when it comes to trying to reverse a political "railroad" with publicity these days, one runs smack up against both the monolith of the major media, and the unwillingness of most of the population to believe anything but what they are fed by the media.

Political immorality at the top

Mr. Yant, of course, was not dealing with political convictions, in which the media play a major prosecutorial role, and which tell even more about how perverted our justice system has become from the very top, i.e., Washington, D.C.

And in a real sense, that political abuse taints all other pursuit of criminal justice in the country. If the President of the United States, for example, has been implicated in railroading his opponents to prison, and has overseen a massive drug-running operation—as President Bush has done with the Contra guerrilla project—then how can one expect local prosecutors to have respect for the law?

Thus, after reading Mr. Yant's *Presumed Guilty*, I recommend another review of *Railroad*, the story of the unjust conviction of LaRouche and his associates. It's in the political arena that morality is going to have to begin to be restored.