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Benjamin LaGuer deserves a break

At this point, opposition to his compassionate release is astounding

 ERIC GOLDSCHIEDER ([HTTPS://COMMONWEALTHMAGAZINE.ORG/AUTHOR/GOLDSCHIEDERERIC/](https://commonwealthmagazine.org/author/goldscheidereric/)) Dec 16, 2018

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IT HAS BEEN SAD to see news updates on opposition to long-time Massachusetts inmate Benjamin LaGuer’s bid for a compassionate release because of liver cancer and only months to live.

Those with a long enough memory may recall this case. It became a cause célèbre in the late 1980s and 1990s because of doubts about his guilt along with documented racism among jurors. It came to a head in 2002 when a DNA test failed to exonerate him, and then landed in the middle of Deval Patrick’s campaign in 2006 because the candidate had advocated for LaGuer in the past. Serious questions about his guilt persist.

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LaGuer was 20 years old in July 1983 when he came home from the army to stay in his father's empty apartment in Leominster. A few days later a 59 woman in a neighboring unit was gruesomely violated. The police immediately homed in on LaGuer and went so far as to conceal exculpatory evidence building a case. He rejected a plea deal under which he would have been free after two years including time served. An all-white male jury convicted victim pointed to him in the courtroom. They were not aware that she had a history of mental illness and was coached because of the confused state living in.

In prison, he studied law; used education programs to get a degree from Boston University; tirelessly proclaimed his innocence; attracted many prominent supporters in politics, academia, and media; and in the process became a constant thorn in the side of the Worcester legal establishment. Reporters, accused of being under his spell, wrote countless articles and produced dozens of radio and TV news segments, including multi-part series and full-length documentaries. State psychiatrists wrote that he in no way fit the profile of a rapist. There were gaping holes in the prosecution narrative. Blatantly racist comments during juror deliberations had been exposed. A man, who was a likelier suspect, was never investigated.

In 1998, LaGuer became eligible for parole after having served 15 years. The Commonwealth opposed him at every turn based on his refusal to admit guilt. By then, a former stutterer had become an articulate advocate. LaGuer became a public figure and a political football. To the left he was an emblem for what today would be called Black Lives Matter. His dozens of supporters included people such as Elie Wiesel, William Styron, Noam Chomsky, Martin Espada, Henry Louis Gates Jr., and Jose Masso. The right, conditioned by what might be called "Willie Hortonism," painted him as a conniving rapist who had become the darling of pointy-headed intellectuals. He became an instrument for dog whistle politics.

Benjamin LaGuer in 2001. (Photo by Terri Cappucci)

In the late 1990s, when the parole board twice denied LaGuer, the Innocence Project was racking up successful DNA challenges to wrongful convictions particularly in rape cases from the era in which he was arrested. His supporters, including John Silber, Leslie Epstein, Don Muhammad, and later De found a lawyer to go after the DNA evidence and they paid to get it tested. Again, the Commonwealth opposed them at every step and what could have been a rational look at the available evidence turned into a drawn-out battle, lasting years.

In the end the lab, which purposely shielded itself from any information about the case, found only a miniscule amount of male DNA after combining samples that should never have reached the state lab in the first place back in 1983. Records show that the police violated LaGuer's Fourth Amendment rights against unreasonable searches and seizures by entering his apartment when he wasn't there and falsely stating on the search warrant that they took nothing. In the underwear showed up in the lab technician's notes, a red flag for contamination.

After a dramatic buildup and an "envelope please" moment, the result was in. DNA in the evidence was LaGuer's. It was instantly open season to hunt for this person for not only committing a despicable deed, but then duping smart people into shilling for him.

Since then, new evidence of LaGuer's innocence has mounted. A newly discovered report on an item used in the crime showed that fingerprints on it belonged to LaGuer's. The victim's caretaker in the weeks after the crime came forward in 2007 to reveal that her former client had a prior association with a man thought to be a likelier suspect and that he had access to her apartment. Records show this man has a history of violence against women. The victim repeatedly pointed out black men in the street saying they were the perpetrator, much like she did in court with LaGuer sitting at the defendant's table.

None of this new information helped LaGuer overcome the power of a misunderstood DNA result.

Now he is face to face with mortality. He has loyal and reputable friends outside prison willing and eager to take him in. I haven't spoken with him in several years, but during the lead-up to and then in the wake of the devastating DNA test we were in almost daily communication. I accumulated boxes of papers as well as gigabytes of digital material related to his case. Last year I donated it all to Northeastern University where it is being added to an archive that already existed in the Snell Library. The expanded Benjamin LaGuer Papers (<https://archivesspace.library.northeastern.edu/repositories/2/accessions/475>) are being processed. I hope some fair-minded people take time to study the material going forward.

Meet the Author

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LaGuer has now served 35 years and been eligible for parole for the last 20. During that time, he has met with several offers of release including solid offers of employment and more recently stable living accommodations. The opposition to his release is astounding to me. Guilty or not, revenge and spite should never be used to lock people up in a civilized society.

Eric Goldscheider is a freelance writer based in Amherst.

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




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