

Media Excerpts

James, Joy. Symposium. April 16-17, 2009. Carter G. Woodson Institute for African-American and African Studies the University of Virginia. University of Texas and Williams College Professor in Political Science The Prosecution of Race and Rape: Framing the Case of Ben LaGuer in the 2006 Massachusetts Gubernatorial Campaign ("The controversial 2006 Massachusetts gubernatorial contest between Republican Lt. Governor Kerry Healey and her democratic rival, civil rights attorney Deval Patrick, was influenced by strategies shaped in the 1988 presidential election. Trailing in the 'white' vote, the Healey campaign sought to tie Patrick to Ben LaGuer, a black Puerto Rican man imprisoned since 1983 for an interracial rape (LaGuer maintains his innocence), and by extension to link the democratic front runner to former Massachusetts Governor Michael Dukakis and Willie Horton. Reviewing police misconduct, racial bias, and media sensationalism that led to civil rights advocates' interest in the case, Professor James explores how the racial **and** gender politics of both parties led Patrick to renounce support for a new trial for LaGuer, and enabled Patrick to become the first African American Governor of Massachusetts, and one of only three black Governors since Reconstruction.")

King, John. Associated Press. Rapist fights conviction with jailhouse evidence 15 November 1987. ("William Nowick of Worcester was among the jurors who convicted LaGuer...Nowick said jurors had numerous questions about the evidence that might have been answered if they knew about the schizophrenia of why LaGuer was discharged early from the Army... 'Those two things would have changed an awful lot,' Nowich said. 'How could she identify anyone? And most of us were veterans. Why didn't know why he was let of the Army and thought it probably was for rape or for attacking some girl in Germany. LaGuer was discharged from the Army three weeks before the 1983 attack because he was caught with a small amount of hashish.")

On its website, the Daniels Institute describes its mission as promoting "the benefits of a close collaboration between psychology and religion to alleviate human suffering and enhance human growth." BU President John Silber arranged for LaGuer to receive ongoing counseling with the Daniels Institute as part of his 1989 Parole application.

Boston Phoenix, "Oxymoronic: For Benji LaGuer, there's no justice in the system" by Sean Flynn 30 August 1991 ("The irony in the approach runs deep. In order to preserve a supposedly fair and truthful verdict, [the prosecutor] was trying to make one of the men who rendered it look feeble-minded and untruthful, thoroughly incredible as a witness to the deliberation yet eminently qualified as a participant in them.")

Conte, J John. LaGuer Evidence Remains Strong. Letter to the Editor. Telegram & Gazette A8. ("While the commonwealth may be reluctant to retry a 1983 case because of the victim's health and the death of the chief investigator, rest assured hesitation not due to any perceived 'shakiness' in the case. The evidence against LaGuer, despite the passage of time, is extremely strong." 3 June 1991.

“After seeing his medical records, he realized that, if he had given the authorities a legitimate saliva sample, the result would have provided evidence of his innocence rather than a false impression of guilt,” John Taylor, Esquire Magazine, May 1994

"Ben LaGuer is a diabolical character, quite the manipulator," says Joseph Tavares, Executive Producer PBS documentary "Last Chance DNA" WGBH 21 May 2002. "We all knew what he would say--that he was framed."

Smith, L. Abbe. Defending the Innocent 32 Connecticut Law Review 485-522 (1999-2000)

Flynn, Sean. Boston Magazine, October, 1999. ("I hate typing those words. It's not fair. To release Benji, in the mentality of bureaucrats, is to admit defeat, to agree that he is not the savage rapist who beat and sodomized an old woman for hours on end, to concede that we kept the wrong guy locked up for his entire adult life.")

Telegram & Gazette, Tool for justice, Editorial 6 June 2003 ("More recently the case of convicted rapist Benjamin LaGuer of Leominster illustrated how DNA evidence can debunk even the most persistent protestations of innocence.")

Statement from Deval Patrick on his role in the case of Ben LaGuer 28 September 2006 ("My sole involvement in this case was more than 10 years ago, when I wrote a letter on Mr. LaGuer's behalf. At the time, there were serious unanswered issues concerning the facts and fairness of the original trial." On that basis, I stated my belief that the criminal justice system should have taken a further look at Mr. LaGuer's case--a view shared by The Boston Globe, John Silber, and many others in the state. DNA testing, at that time, had never been conducted.' 'In light of today's news stories, I have reviewed the case today and was updated on developments since my letter more than ten years ago. I understand that, in addition to other review, DNA testing was done in 2002. On the basis of my review, I believe that the right outcome has been achieved and that justice has been served.")

"We had very limited forensics; it wasn't like 'CSI,'" James R. Lemire told the Governor's Council considering his nomination for a superior court judgeship in September 2006. "The case was mostly tried on the basis of the victim's identification of LaGuer as the perpetrator."

Estes, Andrea. Boston Globe. Healey, Patrick duel on crime. 5 October 2006. ("Patrick, who also corresponded with LaGuer in the late 1990s, said yesterday, 'I am proud of what I did.' Asked whether he would still advocate on LaGuer's behalf 'knowing what you know now,' he said yes. Patrick did not elaborate. Later, an aide explained that Patrick would advocate for LaGuer again because he may not have received a fair trial.")

"It's inconceivable Patrick simply forgot repeated correspondence with a convicted rapist, so the LaGuer issue is fair game. As authorities struggle to keep our streets safe, a legitimate debate over public safety is critical, too." Editorial, Boston Herald, October 5, 2006

Wedge, Dave. Boston Herald. 5 October 2006. (“Meanwhile, James Lemire, the former Worcester assistant district attorney who prosecuted the LaGuer case, was confirmed yesterday for a spot on the Superior Court in a 6—1 vote by the Governor’s Council. Questions about Lemire’s handling of the LaGuer case prompted the lone nay vote, from Councilor Peter Vickery (D-Amherst).”)

Estes, Andrea, Patrick apologizes for disclosure missteps 6 October 2006. (“Patrick told reporters he should have researched his involvement in the case before offering statements over the past week that minimized his role. ‘We screwed up in terms of how we have handled doing the homework before we answered questions about this issue, no question about that. And I take the responsibility for that.’ Patrick said he was ‘proud of what I did’ and would do it again. ‘I don’t think it was a mistake.’”)

Editorial. Boston Globe. “Patrick’s Missteps” 6 October 2006. A16. (‘It would have been more surprising if Deval Patrick had not responded with interest to an appeal for support from a convicted rapist whose 1984 trial included racist remarks by a juror. Like former Boston University president John Silber, historian Elie Wiesel, and others, Patrick wrote letters on Benjamin LaGuer’s behalf. This page editorialized for a new trial in 1994. Patrick’s mistake this week was to say initially that there was only one letter, when it turned out there were more, as well as a contribution to the cost of a DNA test for the convict. The DNA test in 2002 provided evidence of LaGuer’s guilt and Patrick has said he has played no role in the case since then. LaGuer contends the DNA evidence was contaminated and still proclaims his innocence...The court in which LaGuer was tried was tilted against him. The all white jury that convicted him included one members made racist comments, according to an affidavit by a fellow juror.’”)

Bruun, Matthew. Case campaign fallout embrace by LaGuer. Telegram & Gazette 6 October 2006 (“In an interview yesterday, Mr. Early said he was familiar with Mr. LaGuer’s case and had been following it in the news in recent days. He declined to speculate on whether he felt Mr. LaGuer had received a fair trial, noting the issue was going to be addressed by the Supreme Judicial Court, which is expected to hear oral arguments in December. “We’ll deal with it when we get the results back, ‘Mr. Early said.”

“For whatever reason, whatever motivation, whether conscience-drive or calculated, Patrick took such a leap, lending his credibility to LaGuer back when it was theoretically plausible that the latter was the victim of a monstrous injustice...He could have stood fast, digging his heels on principle, insisting that what he did seemed right when he did it, before he had the benefit all the hindsight critics are hurling at him now...Instead, in the heat of the moment, he’s revealing what he is, ‘eloquent and thoughtful’ but just another empty suit.” Columnist Joe Fitzgerald, Boston Herald, October 7, 2006

Moynihan, Kenneth, J. Hard to believe many will buy into Kerry Healey’s attack. 11 October 2006. (“The Patrick campaign goofed by not being prepared for the LaGuer question. A number of upright citizens favored a new trial for the convicted rapist back in the 1980s, but only one of them is currently the Democratic nominee for Governor in Massachusetts. Mr. Patrick was not ready for the question, and as a result gave out inaccurate information when it was first raised. It took a few costly days to do the research and set the record straight. The candidate said very

correctly, “The point is, we screwed up in terms of how we handled doing our homework before we answered questions about this issue. No question about that.” T&G)

Phillips, Frank. Boston Globe. Healey keeps up attack; Patrick toughens his ad. 11 October 2006. (“Patrick’s advisers, who would not speak for attribution because they do not publicly discuss strategy, said polling data from the weekend showed that Healey’s attack ads have backfired by hurting her own standing among voters more than Patrick’s. The advisers said Patrick and his aides decided not to launch a negative counteroffensive.”)

Boston Herald 14 October 2006, Torpedo tube: Ads win Healey points/Gurus say TV assault is working by Jessica Heslam (“UMass-Boston political science professor Paul Watanabe said Healey’s TV spots are ‘classic attack ads that ‘specifically raise questions about a person.’ ‘I think for her, it makes sense because in some ways Deval Patrick has proven to be immune from being hurt by distinctions on policy issues,’ Watanabe said.”)

Editorial. DNA Truth Seeking Boston Globe 16 October 2006, A8 (“All four candidates for Governor support post-conviction DNA testing, even Lieutenant Governor Kerry Healey, who has criticized Deval Patrick’s efforts to help a convicted rapist get a DNA test that might lead to a new trial.”)

“Memo to the Healey campaign: Enough of the Benjamin LaGuer case, already. The incessant harping on what should have been a brief aside in the 2006 gubernatorial race has turned a largely substance-free campaign into a mudslinging match that ill-serves the Massachusetts electorate.” Editorial, Telegram & Gazette October 17, 2006

“Anyone who claims to be a victim advocate or a champion for victim’s rights or even has the most remote understanding of victims’ issues would do this,” said Mary R. Lauby, executive director of Jane Doe, Inc, referring to Healey’s TV ad. Laura Crimaldi, Boston Herald, October 19, 2006.

Crimaldi, Laura. Boston Herald. 19 October 2006. (“What concerns me is that Deval Patrick would persist in describing and complimenting a convicted rapist as being eloquent and thoughtful even after DNA evidence has proven beyond all doubt that in fact, Mr. LaGuer was convicted properly,” Lt. Gov. Kerry Healey said.”)

Telegram, LaGuer rape issue ignored/Healey appears in Leominster by Jason Feifer 22 October 2006 (“On Friday, her campaign more than doubled the television airtime for a controversial new ad about Mr. Patrick and Mr. LaGuer, which features a woman walking through a dark parking garage.”)

“A poll showed that the difference between Ms. Healey’s vote and Deval L. Patrick’s could be accounted for by gender. Men were supporting Healey 42 percent to 40 percent, while woman supported Mr. Patrick 63 percent to 27 percent for Ms. Healey.” Columnist Kenneth J. Moynihan, Telegram & Gazette October 25, 2006

Telegram & Gazette 25 October 2006, Latest polls say Patrick leading by 25-27 points by John J. Monahan (“The poll indicated a significant shift toward Mr. Patrick and away from Ms. Healey, compared to results of a similar poll two weeks ago that put Mr. Patrick ahead by 13 points. Suffolk University Political Research Center Director David Paleologos said the poll appeared to reflect a public rejection of the Healey campaign ads.”)

“The father of California murder victim Polly Klaas visited Boston yesterday to speak out against Democratic candidate Deval L. Patrick, saying...” “I can’t even believe that this character is running for Governor of this state...Every fiber of my being cries out to beware any individual who prioritizes the rights of a violent sexual sadist like Ben LaGuer ahead of the rights of a crime victim...” By Andrea Estes, Boston Globe, Father of slain Calif. girl criticizes Patrick, October 26, 2006

Payne, Dan. Tactics for desperate times. Boston Globe 26 October 2006. (“Ka—boom! Implosion you heard is collapse of Healey candidacy. Two TV polls have her now trailing by 27 and 25 points. Her unfavorable is above 50 percent. It’s over. Kerry Healey’s lurid ad about rape of white woman in parking garage has strong racial undertones. Using reality—style surveillance camera, spot uses racial stereotype of lone white woman about to be jumped by black rapist lurking behind cars. What it reveals is a desperate Healey using fear to mug Deval Patrick in dark, offensive, and racist TV commercial. For weeks, her slogan has been ‘It’s about race, stupid.’ Washington Post blog’s review gubernatorial ads from around country called garage spot ‘as vicious as we’re seen.’”)

Atkins, Kimberly. Ask her to step down as chair of violence council. Boston Herald. 31 October 2006 (“In a politically charged slap one week before the election, members of the Governor’s Commission on Sexual and Domestic Violence — most hiding behind anonymity -- yesterday called for Lt. Gov. Kerry Healey to step down as the group’s chairwoman. In a letter to Healey, the commission members and advisers said her attacks on Democrat Deval Patrick for backing convicted rapist Ben LaGuer create unfounded fears...’This ad perpetuates three damaging myths; first, the only women are at risk for sexual violence; second, that strangers — particularly those who come from communities of color — are those who should be feared the most ; and third, that rapist are visibly unsavory individuals,’ said the letter.”)

“I think our advertising spent a little too much time on Benjamin LaGuer and not enough time on the issues like, you know, the fact that income taxes are going to go up significantly under Deval Patrick,” said Lt Gov. Kerry Healey’s running mate Reed Hillman, blaming his team’s crime focused TV ad for drooping poll numbers as election day loom.” Boston Herald, Kimberly Atkins, November 1, 2006

“This just wasn’t her race,” said famed democratic operative Michael Goldman of Kerry Healey’s gubernatorial bid. “Wrong candidate, wrong time, wrong message. It’s a horrible thing to say, but look at her numbers. Ben LaGuer has higher favorability than she does,” Margery Eagan, Boston Herald, November 2, 2006.

Editorial, Telegram & Gazette 9 November 2006 (“The campaign also demonstrated that how the money is spent is more important than how much. Kerry M. Healey’s spending on ads

linking Mr. Patrick to a convicted rapist not only was wasted, but also drove away many of the unenrolled voters and conservative Democrats on which a Healey victory hinged.”)

"We conclude that, in the unusual circumstances of this case, the fingerprint evidence that was not produced has not been shown to have any bearing on the defendant's guilt or innocence and is consequently not exculpatory as to this defendant," Justice Judith Cowin wrote on behalf of the SJC, March 2007. "What is exculpatory is that the Commonwealth could not place the defendant in the victim's apartment by means of any evidence, including fingerprints or other physical evidence."

Murphy, Wendy. *And Justice for Some: An expose of the lawyers who let dangerous criminals go free.* Penguin, 2007. ("One thing to keep in mind is that guilty people can often persuade themselves, at least in some corner of their brain, that they're actually innocent—and that makes them very persuasive. A typical example comes from my home state of Massachusetts and involves a man named Ben LaGuer, convicted in 1984 of raping an elderly woman over an eight-hour period...LaGuer was in jail awaiting trial when police got a court order to take a swab of the inside of his mouth. They wanted to conduct certain biological tests by comparing LaGuer's saliva to evidence found at the scene (they couldn't conduct DNA test back then because it was 1983 and technology hadn't yet been developed but they could do certain on saliva, which was more sensitive than blood type alone.) LaGuer knew what police were planning to do (if his saliva was Type O, a recovered sock with Type O perspiration tied his complicity, but he intentionally tampered with the sample by literally taking body fluid from a fellow prisoner and mixing it in his mouth so that when the swab was taken, police got a mixed result. Would an innocent or guilty man try to contaminate his own saliva with biological fluid of another person to mess up the test results? You know the answer.")

LaGuer, Ben. A response to Professor Wendy Murphy on the publication of *And Justice for Some*. (Professor Murphy asked readers to judge me guilty on evidence never presented in court. The story of my saliva swapping with a prisoner to contaminate the test result was first revealed by me to *Esquire* magazine. Murphy surely read that article for her book. What she omitted, for reasons that betrays her bias, is *Esquire's* analysis that with a genuine sample, "the result would have provided evidence of innocence rather than a false impression of his guilt." (May, 1994) The culprit was unmasked as Type O through perspiration in his sock recovered at scene. I am Type B. As a lawyer, Murphy knows that innocent people can act in ways that a prosecuting spirit can spin to look hideous. She should not have been so glib in writing about a case where serious minds still seek justice.

McFarlane, Clive. *New DA faces tests on LaGuer*, *Early* may be hoping that appeal is rejected, *Telegram & Gazette* 3 January 2007 ('Joseph D. Early, Jr. will be sworn in today as district attorney, and there is one reason why his tenure will lack a honeymoon--Benjamin LaGuer...The important issue here, however, is whether the state, convinced of a defendant's guilt, can manipulate the system to make that conviction stick...The disclosure of only a partial print, according to Mr. (James C.) Rehnquist, 'is materially different than the fingerprint report's content, which shows that four fingerprints were found and those fingerprints did not match Mr. LaGuer's fingerprints'...Over all these years, the district attorney's office has been asking us to believe, despite this manipulation of the process, that the defendant received a fair trial...Those

of us who believe in protecting the integrity of the judicial process are waiting to see whether Mr. Early will ask us to make the same leap of faith.”)

McFarlane, Clive. DA quickly dismisses LaGuer, Telegram & Gazette Wednesday 10 January 2007. (“Less than a day after he said he did not know enough about the Ben LaGuer case to make an informed opinion, newly installed District Attorney Joseph Early, Jr., boned up enough on the particulars to make it crystal clear that he supported his predecessor’s handling of the case as well as its outcome...This is the same Mr. Early who on Tuesday of last week said he had not read any of the files or briefs in the case, and was waiting until after he had been sworn in to delve into the matter...Apparently, Mr. Early found ample time among the swearing in, congratulations and the light introductory talks to get the measure of the Ben LaGuer. He did this, he said, by huddling with the lawyers, including the lead attorney working the case. He learned enough to issue the following statement later that night through his spokesman Timothy J. Connolly: “The new district attorney shares the opinion of the previous district attorney that justice was done in this case and that the right person was convicted.”)

Wedge, Dave. New DA nixes LaGuer rape case review. Boston Herald 11 January 2007 (“He believes justice has been served,’ spokesman Tim Connolly said of Joe Early. “The evidence is very strong and compelling in the case...Early has no plans to grant LaGuer’s request for a review of DNA test that linked LaGuer to the 1983 Leominster rape. LaGuer claims the 2002 tests were tainted.”)

Telegram & Gazette, Lab Exam/Handling of DNA Evidence must be Meticulous, Timely. Editorial. 19 January 2007 (“State legislators should press for answers in the improper handling of DNA evidence...In this instance, State Police officials said the problem came to light before anyone was wrongly arrested. That is fortunate, but there could be other cases that have yet to be uncovered, creating a potentially huge problem for prosecutors statewide.”)

LaGuer, Ben. Worcester Magazine. Questions 25 January 2007 (“A top lawyer with the State Police recently told a reporter that a DNA review can be ordered and any such issues as improper handling uncovered. but only if the DA requests it. I have been urging this review for four years. The State Police can trace the origins of each sample in just a couple hours. So why is DA Joe Early then opposing such a review? If confirmed invalid, Mr. Early would immediately need to admit that his prosecutor’s DNA arguments before the SJC were wrong. Given his haste in declaring me guilty and the public criticism he got over that, a DNA review might not be what Mr. Early wants.”)

Bruun, Matthew. Telegram & Gazette. 1 February 2007 B2. (Worcester District Attorney Joseph D. Early, Jr., said he will not request a specific audit of the Benjamin LaGuer case as investigators scrutinize the handling of DNA cases at the state police crime laboratory. . . The recent suspension of an administration at the crime lab because of improper handling of DNA proves there is a human factor that cannot be discounted, Mr. LaGuer said in a recent interview.. .Defense lawyer James C. Rehnquist sent a letter to Mr. Early last month asking him to review the case. ..’The conviction in the Benjamin LaGuer case was obtained without DNA testing by the Massachusetts State Police crime laboratory,’ spokesman Timothy J. Connolly said...The

state lab did not conduct the DNA analysis in his case, but Mr. LaGuer said lab personnel would have been responsible for handling and packaging material en route to testing.”)

Telegram & Gazette, Shocking backlog/State Police lab faces new crisis (editorial) of 22 July 2007 (“The situation is intolerable and legislators and administration must continue to press for new policies and procedures. . . some aspects of the organization of the laboratory itself seem to virtually guarantee performance that is mediocre or worse. . . there was no one to alert the lab when evidence astray or, worst, if a single individual elected to delay or misrepresent it.”)

Editorial. Custody concerns: Securing evidence crucial to justice system Telegram & Gazette 30 January 2008 (“The integrity of the criminal justice system depends in part on maintaining a secure chain of custody of trial evidence...Although evidence listed for some 50 cases could not be located, it has yet to be determined whether the discrepancy reflects sloppy paperwork, mislabeling of evidence boxes or the loss or theft of material...the missing evidence was from cases concluded between 1990 and 2004.”)

Ifill, Gwen. *The Breakthrough: Politics and Race in the Age of Obama*. (Doubleday, 2009)(“No democrat had held the Bay State’s executive job in sixteen years—not since Michael S. Dukakis, who gave you the job in 1991 after having run a dismal and losing 1988 presidential campaign. Patrick didn’t just win. He pounded his Republican opponent, Kerry Healey, in a landslide, garnering 56 percent of the vote in a state where African Americans make up just under 7 percent of the population. Moreover, he defeated Healey after her own attempts to point him as a weak knee sellout lawyer backfire. Central to her campaign were ads that focused on Patrick’s 2002 defense of a jailed Puerto Rican felon named Benjamin LaGuer, who was convicted of raping a fifty nine year old white woman in her Leominster apartment. Patrick contributed \$5,000 to a defense fund that paid for DNA tests intended to exonerate LaGuer. Instead, they linked him to the crime.. The perception that Healey had run a racist campaign may also have helped Patrick in the black community, where he was largely unknown. There is nothing like a perceived attack from an outsider to make otherwise warring insiders bank together.” p180, 188.)

Manso, Peter. *Reasonable Doubt: the fashion writer, Cape Cod, and the trial of Chris McCowen*. Atria Books/Simon & Schuster, Inc., 2011. (“The few historical exceptions have been triggered by racist comments. Racial bias in the jury room is considered grounds for reversal. In 1996, a federal court of appeals overturned a conviction after a juror allegedly used the word nigger. In 1991, the Massachusetts Supreme Judicial Court ordered a hearing into controversial Ben LaGuer case, in which one juror said, “The goddamn spic is guilty.’ In response to his fellow juror speculating about how anyone could rape all night long, he replied, “spies screw all day and night.”)

Williamson, Dianne. LaGuer case is bedeviling justice again, Telegram & Gazette 22 April 2011(“The thing is, there's no way to feel good about this case. If Ben is telling the truth, he's lived a Kafkaesque nightmare. If he's lying, he's a violent psychopath who has duped a lot of well-meaning people...Regardless of his guilt or innocence, 27 years is a long time to spend in prison for rape.”)

"I truly feel he [LaGuer] believes he is the victim in this case," son-and-law Robert Barry told Parole Board 22 April 2010

"I think he is one of the finest examples of courageous, honorable human being I've ever met," Boston University President Emeritus told Parole Board of Ben LaGuer 22 April 2010

"I do not care if he is guilty or not, even though I believe he's innocent," John C. Archer, former Opera Boston chairman told Boston Globe 22 April 2010. "I believe in forgiveness. We do our time and move on. We don't do our time for the rest of our lives."

"It takes the time it takes to get to the next step," recently retired Superior Court Judge Isaac Borenstein to Massachusetts Lawyers Weekly about his handling of Ben LaGuer's case 29 June 2009, "but I would not have dedicated myself to the case and to his defense if I had not spent many months going after things meticulously and believing in it."

Murphy, Wendy J. Don't violate privacy rights. Boston Herald. 21 May 2011. ("As a former sex crimes prosecutor, prosecutor and researcher who reads hundreds of court cases each week, I can confidently say that in the vast majority of cases, DNA tells us nothing valuable about the issues in dispute at trial.")

Patrick, Deval. A reason to believe: Lessons from an improbable life. (Broadway Books, 2011)("In another matter, I had urged Massachusetts to conduct a DNA test on a convicted rapist whose guilt seemed in doubt. So another attack ad cast me as a friend of sexual predators and played into racist fears about black men and white women: The camera followed a woman walking through a dark garage, then viewers heard an interview with me in which I described the prisoner, with whom I had exchange letters, as 'thoughtful.' The voiceover said, 'Have you ever heard a woman compliment a rapist?' (For the record, the DNA test confirmed the man's guilt.) I had a campaign staff and a cadre of energetic volunteers to help me with this nonsense, but it took its toll." pp 179)

James, Joy. The Case of Ben LaGuer and the 2006 Massachusetts Gubernatorial Election (White Supremacy; Racism; Governance, and the United States (Stanford University Press, 2011 }("In Leominster, Massachusetts, the analogy of whiteness with purity of vulnerability in the face of a perpetual Black aggressor provided an important context for understanding the conviction of Ben LaGuer, and how this crime (both the assault and the unethical trial} would be witnessed by society and prosecutors. The inability to establish a context that acknowledged a pervasive history of anti-Black animus and violation meant that twenty-three years after LaGuer's conviction, a gubernatorial campaign could use his case to fuel both conservative and liberal agendas." p172}

Rossmo, D. Kim. Criminal Investigative Failures (CRC Press, 2009} (Wrongful Innocence Claims: Roger Coleman and Benjamin LaGuer ("I have not read the original police reports or trial transcripts, visited the crime scene, interviewed any parties, or reviewed any response or rebuttal from the district attorney's office, law enforcement agencies, or the state crime laboratory...Did Benjamin LaGuer receive a fair trial? I cannot answer that question. Is he factually guilty? Conjecture and theories aside, the actual evidence supports the conclusion,

beyond any reasonable doubt, that he brutally raped his neighbor in 1983...The victim in this case is deceased. But one wonders, if she were still alive, what she would think of the intelligentsia who became part of the LaGuer medicine show,' people who, despite years and miles of distance from her apartment that horrible night of the crime, 'knew' more about what had happened to her than he did." (p256-265)

James, Joy. *Journal of Critical Sociology* 36 (1) (2010). "Campaigns Against 'Blackness': Criminality, Incivility, and Election to Executive Office." ("Early state malfeasance seems to stem from the now deceased lead detective, Ronald Carignan, whose unorthodox procedures were later supported by the District Attorney. Ben LaGuer was arrested 15 July 1983. Without physical evidence or a confession, police decided the guilt of LaGuer who shares the same race and ethnicity but not physical description of a man who may have been the perpetrator. LaGuer lived next door to the victim when the crime occurred, yet, another black Puerto Rican had also lived in the building and associated with the survivor; he had a history of mental illness and sexual assault but has to this date never been interviewed by detectives. The grand jury indictment was based on disinformation provided by Carignan who informed the grand jury that the crime had occurred in LaGuer's apartment; it in fact had occurred in the victim's apartment. The detective claimed that the victim was unable to appear at the hearing although she had already been released from the hospital. So, the detective became the sole spokesman for narrating the events of the crime. He stated that the victim identified LaGuer as her assailant to police; although she later denied [that] she did identify LaGuer as her attacker during the trial. Carignan testified that he recovered only one partial fingerprint from the scene of a crime that took place over eight hours; yet, in November 2001, a report emerged showing that four full fingerprints were retrieved from the base of a telephone whose cord had been used to bind the victim's wrists. . The prints did not belong to LaGuer and were subsequently lost (or destroyed) by the District Attorney's office. The detective, who kept the rape kit and items confiscated from LaGuer's apartment in his car trunk during his summer vacation, allegedly mixed underclothes he had taken from LaGuer's apartment with evidence collected at the crime scene. This compromised evidence used in 2002 as 'reliable' samples for DNA testing which claimed to prove 'conclusively' LaGuer's guilt.")

"Nobody in their right mind thinks that DNA is valid," District Attorney candidate Joseph D. Early, Jr., told attorney Robert E. Terk at a political event. (Fall of 2006)