The Conviction Factory: The Collapse of America's Criminal Courts

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Dr. Roger Roots, America's most provocative scholar of criminology and constitutional history, argues that America's criminal courts have gradually abandoned adversarial due process and embraced a more inquisitorial model of justice favored by prosecutors. In theory, convicting someone of a crime should be more difficult than obtaining a civil judgment by winning a lawsuit against him. The burden of proof is higher (beyond a reasonable doubt in criminal cases, as opposed to a mere preponderance of evidence in civil cases), and there are supposedly a number of constitutional protections for criminal defendants that do not apply to civil litigants. However, in modern courtrooms, convictions are obtained almost effortlessly by prosecutors. In The Conviction Factory, Dr. Roots traces the history of American criminal justice from its roots in English common law and then follows this history into the twenty-first century. Roots details how the adversarial model of justice, which pits the prosecution against the defendant on a level playing field, has been quietly and slowly whittled away. This book is exhaustively footnoted. It represents a continuation (and partially a compilation) of Roots' previously published law review articles on the subject of criminal procedural history. The Conviction Factory is more than just a history of criminal procedure. It is a gripping yarn that provokes fundamental questions about fairness, justice and trust in the institutions of government.

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