

Fake Evidence

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There is no graver offense against the cause of justice than the use of false evidence. The courts have traditionally been severe in dealing with this prostitution within our law-enforcement systems. Yet misguided prosecutors still occasionally become so engrossed in their struggle to win their cases that they resort to deliberate falsification. Considering the nature of the offense, the Supreme Court was mild in administering its latest spanking for such an atrocious abuse of power.

The false evidence in the case of Lloyd Eldon Miller Jr. was a supposedly bloody pair of men's shorts. The "bloody shorts" became a key exhibit in the trial of Miller in Illinois on charges of murdering an 8-year-old girl who had been sexually attacked. The shorts had been picked up about a mile from the scene of the crime, and a supposed expert described them as being stained by blood of the same type as that of the victim. There was no evidence to connect the shorts with the accused, however, and when the case was taken before a Federal judge a scientific examination—a precaution previously denied the defense—showed no traces of blood but only evidence of paint.

Justice Stewart, speaking for the Supreme Court, made a special point of saying that the prosecutor knew at the time of the trial that the stains were from paint. "The prosecution," the Court said pointedly, "deliberately misrepresented the truth." Let that scalding indictment stand as a deterrent to every reckless counsel who might be inclined to base his case on fake evidence.