



LYNNE HARPER



STEVEN TRUSCOTT

... her death probed again in review of his conviction

Truscott Now Seeks To Upset Sentence

By Gerald Waring

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OTTAWA, Oct. 8 — Steven Truscott is a quiet-mannered, good-looking young man of 21 with an olive complexion that suggests summer sun. But there's been little sun where he has been the last seven years.

He was a gangling 14 when the fall assizes at Goderich, Ontario, dealt with the case of the Queen vs. Truscott, and he was judged guilty of the brutal rape-murder of a pretty 12-year-old schoolmate, Lynne Harper. The judge pronounced the mandatory sentence of death by hanging.

His youth made the Canadian government's commutation of his sentence to life imprisonment virtually automatic — and preserved the opportunity for Steven to have another chance.

Steven Truscott stood last week before the full panel of nine black-robed justices of the Supreme Court of Canada.

"Did you kill Miss Harper?" his lawyer asked.

"No, I didn't," Truscott replied in a calm, even tone.

At the press table, Isabel Lebourdais of Toronto made notes on a pad next to a book with a purple paper jacket entitled "The Trial of Steven Truscott." It was this book, which she published last spring, pointing to anomalies in the crown's case against

Steven in 1959 and concluding with her judgment that Steven had been convicted on a wave of public hysteria, that is responsible for this virtual retrial of Truscott.

Review Requested

The shock effect of the book, felt by cabinet ministers as well as the public, prompted the government to ask the Supreme Court to review the facts of the case as well as the law.

It was an unprecedented request. The Supreme Court has never before heard witnesses; only the arguments of counsel. It has no witness box, so Truscott and other witnesses simply stand before the long bench of nine judges, answering questions put by counsel for Truscott and the Crown.

The court, Chief Justice Robert Taschereau presiding, is scheduled to hear 34 witnesses, many of them medico-legal experts. Then, after hearing lawyers' arguments and reviewing the evidence, the court will advise the cabinet what its verdict would have been had it heard Truscott's appeal in 1960 — whether it would have sustained the conviction, quashed the conviction, or ordered a new trial.

Further action will be up to the government.

Lynne Harper, daughter of

an officer at the Royal Canadian Air Force station at Clinton, Ontario, vanished on the evening of June 9, 1959. Late the next day her ravished and nearly nude body was found, her torn blouse tightly knotted about her neck, in woods near where Steven had been seen with her on the cross bar of his bicycle.

The boy's story was that she and other children were playing in the school yard after supper when he rode up. She asked him for a lift to the highway, where she hoped to thumb a ride to a nearby farm to see some ponies.

He dropped her at the highway, he said, and then pedaled 1300 feet to a bridge over a small stream, where he stopped to watch some young-

sters playing in the shallow water. From there he chanced to look back, and saw her getting into a 1959 Chevrolet with yellow license plate.

He then went home.

The Crown's case against Steven was built largely on scratches and abrasions on the boy's body that medical witnesses at the trial said were consistent with those that a male might suffer during rape.

Two medical experts testified as to the undigested condition of the food in Lynne's stomach, to support the prosecution argument during the trial that Lynne had been murdered soon after supper, when she was with Steven.

Counsel for Truscott called two private detectives who had carried out tests last summer with a 1959 Chevrolet at the spot where Steven said he saw Lynne entering such a car. They testified they could see the car's distinctive tail fins and yellow license plate from the bridge 1300 feet away. This was corroborated by a college professor called as an expert in light and vision.

Application Quoted

Defense Counsel G. A. Martin saved Truscott's testimony for the second day of the hearing, and preceded it by placing in evidence Truscott's application for a parole in 1964.

In it Truscott had asked the parole board to "please grant me one chance to make a success of my life, to prove one dreadful mistake does not mean that I will ever make another one."

Truscott testified he wrote

these words not as an admission of guilt, but because the board believed him guilty, and "if I kept stating my innocence, it would hurt my chances of getting out."

Under crossexamination Fri-

day, Truscott remained completely self-possessed, standing motionless, answering questions with a curious rising inflection that gave his words a ring of definiteness. But he was unable to recall a number of persons who had testified at his trial "because I have forgotten."

As for the sores that had helped convict him, he said they had developed weeks before Lynne's death, but that he had been too ashamed to tell anyone, even his parents.

Another defense witness, Dr. Charles Danby, testified he had treated Truscott in prison for dermatitis of face, arms and shoulders. He said that a cold sore type of infection could have caused the sores on which the Crown has built its case for rape. He said it was "very unlikely" that the Crown's deduction was correct.

As the hearing adjourned until Tuesday, the prosecution's theories were being further assailed by Dr. Charles Petty of Baltimore, assistant medical examiner for Maryland and associate professor of forensic pathology at the University of Maryland.

His evidence attacked the Crown's contention that the undigested food in Lynne's stomach proved she had been murdered in the early evening, when she was with Steven.

For all the stomach contents revealed, death might have been as long as eight hours later, he said.