



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

Roger I. Roots

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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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