
Merrilyn, T, *Life on Death Row*, Paladin Publishers (1991)

Anderson, T, *Take Two: The Criminal Justice System Revisited*, Bantam Books, Sydney (1992)

Life on Death Row is the kind of book that, once picked up, will not be put down until the entire book has been consumed. It is easily read in one sitting. Neither the size nor the theoretical density of the book distracts the reader from the task of internalising the fast evaporating lives of two black men condemned to death and the lawyer from England, Clive Stafford Smith, who is bent on gaining reprieves from the gas chamber for his clients. It provides an exciting and coherent narrative of the experiences of an Englishman educated in the United States, and his personal war against racism in the American judicial system.

Thomas' thesis (on behalf of the English lawyer) is that "capital punishment" means that it is only those who have no capital that are punished. It is also clear, he argues, that blacks as an economic group in America are, as a general rule, those without the capital.

According to Mr Smith the American justice system is a concrete reflection of a culturally entrenched barbarism expressed in the form of racism. While legislation exists against segregation and racism, nothing changes while ever the law has not received the mandate of the race it has been enacted to protect. The empirical reality of racism is confirmed by its legal cousin the death penalty, which lay side by side with each other in the American judicial system. The argument asks readers to accept that racism is rampant among law officers in America, particularly in the southern states which are more traditionally known for their anti-race notions. This assertion is based on the empirical evidence that almost all of those currently on death row are black; moreover, few white men have been executed for killing blacks. While the courtroom is his chosen arena, Mr Smith decries efforts to combat racism in the courts. He considers the real challenge to be the intellectual acceptance by everyday people that American blacks are equal in every way and should not be discriminated against.

Descriptions of the enthusiasm and fanatical obsession of Clive Stafford Smith's 18 hour days and unceasing fight against judicial racism encourages the reader that something can be done, and will be done about this urgent social justice, if Mr Smith has anything to say about it.

In *Take Two: The Criminal Justice System Revisited*, Mr Anderson vividly describes what must be to all reasonable people a most unpalatable experience. His descriptions of a life caught in the net of the criminal justice system is distressing, particularly to those members of the public who hold that justice is the sole reason for the existence of the system. The system is not simply a means by which social control can be wielded at the discretion of its members.

There are some surprising structural difficulties with the flow of the narrative, and while these are few, they do distract the reader from what is otherwise generally easy reading. The first two thirds of the book is a particularly lucid recount of Mr Anderson's personal experiences with the courts and gaols. The last section is a general critique of particular aspects of the criminal justice system which impacted upon Mr Anderson's cases.

His thesis begins by proclaiming that New South Wales police and courts are subject to manipulative political pressure and prejudice. The media is not excluded from this accusation, particularly with regard to biased and selective reporting of cross examination and more especially, the language used in the reports. These assertions are supported by the authors' testimony on the behaviour of the police at his arrest in 1989 and shortly afterwards, as well as police suppression of vital evidence and the sensationalism displayed in the media reports at times surrounding Mr Anderson's court appearances.

This suggestion is uncomfortably believable. The theatrical and unprecedented presence in the court of sharpshooter police, supposedly for security, and the plethora of seemingly damning comments made by judges during the various trials and hearings lend credence to this claim. One cannot help but agree with the Appeals Court's determination that an unconscionable injustice has occurred in Mr Anderson's case. However, are we to believe that the kind of disgraceful behaviour of persons throughout the entire criminal justice system, described as being the experience of Mr Anderson, is to be imputed as the norm?

As a commentary on conditions within the gaol system, Mr Anderson's perceptions of his tour of New South Wales gaols holds a ring of truth. Informing the reader of life inside, the narrative is made credible and incredible at the same time by the clarity of his graphic descriptions of the physical and mental conditions endured by prisoners in the Sydney Police Centre and other New South Wales institutions, which are apparently considered and accepted by the authorities as the norm.

The common flow throughout the entire book is that justice should be available for all who encounter the criminal justice system, irrespective of their guilt or innocence. It is not a matter of whether a person did or did not do the offence charged; what is important is the process by which that legal state is determined. Mr Anderson writes from the comfort of knowing his own position in this regard.

This book is an important contribution to public knowledge of the New South Wales criminal justice system. It contains what is normally privileged information, not otherwise available in the public domain. The author's years of work on the behalf of disadvantaged persons is crowned by this example of an ethnographic study of what has traditionally been a taboo subject; institutionalised corruption in the criminal justice system.

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