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convicting the innocent sixty five actual errors of criminal justice which was the first book published in the united states that identified key factors contributing to the conviction of innocent persons aug 30

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My major interests lie in an aspect of the law somewhat remote from criminal law, I have nevertheless long urged that the State or community assume the risks of official wrongdoing and error instead of permitting the losses resulting from such fault or mistake to be borne by the injured individual alone. Among the most shocking of such injuries and most glaring of injustices are erroneous criminal convictions of innocent people. The State must necessarily prosecute persons legitimately suspected of crime; but when it is discovered after conviction that the wrong man was condemned, the least the State can do to right this essentially irreparable injury is to reimburse the innocent victim, by an appropriate indemnity, for the loss and damage suffered. European countries have long recognized that such indemnity is a public obligation. Federal and state governments in the United States ought to adopt the same policy, instead of merely releasing the innocent prisoner from custody by pardoning him for a crime he never committed and without any admission of error or public vindication of his character. A district attorney in Worcester County, Massachusetts, a few years ago is reported to have said: "Innocent men are never convicted. Don't worry about it, it never happens in the world. It is a physical impossibility." The present collection of sixty-five cases, which have been selected from a much larger number, is a refutation of this supposition. Inasmuch as the conditions described are of interest primarily to the American public, American cases, mainly from the twentieth century, have, for the most part, I been chosen for publication. Fifty cases, by reason of their importance or some striking characteristic, have been used as principal cases; the other fifteen, more concisely reported, follow thereafter. Together, they present an interesting cross section of American life.

Collection of sixty-five cases of erroneous criminal convictions of innocent people, the causes of error being due in the main to mistaken identification, circumstantial evidence, or perjury, or some combination of these. Includes an analysis of the statutes of European countries providing indemnity for wrongfully convicted and arrested persons to be used as a basis for American legislation.

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Collection of sixty-five cases of erroneous criminal convictions of innocent people, the causes of error being due in the main to mistaken identification, circumstantial evidence, or perjury, or some combination of these. Includes an analysis of the statutes, of European countries providing indemnity for wrongfully convicted and arrested persons, to be used as a basis for American legislation. cf. Pref.

Edwin M. Borchard was a pioneer in both identifying the features of the United States' legal system that contribute to the conviction of innocent persons, and advocating for their compensation when exonerated. This compilation includes Borchard's "Convicting The Innocent: Sixty-Five Actual Errors Of Criminal Justice," which was the first book published in the United States that identified key factors contributing to the conviction of innocent persons. Borchard suggested reforms to try and minimize the effect of those factors and the occurrence of a wrongful conviction. Due to the legal system's inertia and resistance to meaningful change, Borchard's analysis of the causes of wrongful convictions, and his suggested reforms, are as relevant today as when "Convicting The Innocent" was published in 1932. This compilation also includes "European Systems Of State Indemnity For Errors Of Criminal Justice," which was the first article published in the U.S. that detailed how deficient indemnification of an exonerated person is in the U.S. compared with European countries. Borchard advocated enactment of legislation that would provide adequate compensation for exonerated persons in the U.S. Borchard's premise is as relevant today as when his article was published in 1913 because the U.S. continues to lag not only European countries, but countries throughout the world in adequately indemnifying exonerated persons. Borchard's article also provides an invaluable resource for understanding the history of indemnifying a wrongful conviction in this country and Europe. Also included in this compilation is Justice Denied magazine's biographical article about Borchard when it named him as an inaugural member of its Wrongful Conviction Hall Of Honor in 2007. This compilation provides today's audience with Edwin Borchard's primary works concerning wrongful convictions. Borchard's writings continue to provide valuable insights into the causes of wrongful convictions and reforms that may help minimize their occurrence, and that the generally inadequate indemnification of exonerated persons in the U.S. has been of concern for more than 100 years.

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