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Convicting the Innocent, by Edwin M. Borchard

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BOOK REVIEW

Convicting the Innocent. By Edwin M. Borchard. (Yale University Press, New Haven, Conn. 1932. \$3.75.)

The purpose of this book is to sustain the proposition that the state and federal governments should compensate in money for the damages caused by the conviction of innocent defendants. To refute the common assumption that the innocent are never convicted Professor Borchard presents sixty-five cases where innocent men were convicted and where their innocence was subsequently established. He then presents a convincing argument to refute the reasons advanced heretofore as to why the state should not compensate for the damages thus sustained. This is supplemented by a review of the three American statutes on the subject, and the numerous foreign statutes, together with a draft of a proposed statute. Professor Borchard makes out a remarkably convincing case both upon the facts and the policy involved. In addition he has produced a readable book. The cases are presented with considerable narrative skill so that the book is as interesting as the best detective story.

Finally there is also presented the fact that a good many of the convictions are the direct result of rather obvious failures in our administration of the criminal law. Valuable suggestions are made upon that score. The total result seems to be that the book will interest many lawyers, and ought to interest all of them.

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