

Two years after becoming law librarian of Congress, 29-year-old Edwin Borchard wrote *European Systems Of State Indemnity For Errors of Criminal Justice* in 1913.

¹ The 35-page document advocated providing compensation to a person victimized by a miscarriage of justice.

During his tenure as Congress' law librarian Borchard also wrote *Diplomatic Protection of Citizens Abroad* (1915), which is considered a classic text in its area.

After Borchard's appointment in 1917 as a professor at Yale University Law School, his specialized knowledge of international law resulted in contacts with the country's leading political and legal figures. He also traveled widely around the world as a result

Edwin Borchard – Pioneer In Analyzing Wrongful Convictions And Advocate For Compensation



of his involvement in resolving international disputes and participation in international law conferences. His legal stature internationally was such that he was the first American professor invited to lecture at the University of Berlin after WWI.

Knowing of Borchard's keen interest in legal reform, Harvard law professor and future Supreme Court Justice Felix Frankfurter suggested he write a book about the persistent problem of wrongful convictions. This

was shortly after Frankfurter's valiant failed effort to stave off the 1927 execution of Sacco and Vanzetti, whose innocence he passionately wrote about. ² Borchard acted on Frankfurter's suggestion and several years later *Convicting the Innocent: Sixty-Five Actual Errors of Criminal Justice*, was published by Yale University Press (1932).

Convicting the Innocent was widely read, and along with Borchard's behind the scenes advocacy, contributed to the enactment in 1938 of a federal law compensating persons erroneously convicted in federal court. *The New York Times* wrote, President Roosevelt "presented to Mr. Borchard the pen used in enacting the bill into law in

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Alfred Hitchcock – Cinema's Greatest Friend Of The Wrongly Accused



Alfred Hitchcock is most well known for directing the classic psychological thriller *Psycho*. His fascination with directing psychologically suspenseful movies extended to an unusual film genre – a person wrongly accused of a crime. His interest in that subject matter was such that he directed more movies that have a wrongly accused person as part of the plot than any other director in cinematic history. Those movies, and the year they were released, are:

- *The Lodger* (1927)
- *The 39 Steps* (1935)
- *Young and Innocent* (1937)
- *Saboteur* (1942)
- *Spellbound* (1945)
- *Strangers on a Train* (1951)
- *I Confess* (1953)
- *To Catch a Thief* (1955)
- *The Wrong Man* (1957)
- *North By Northwest* (1959)
- *Frenzy* (1972)

An interesting tidbit about these eleven films is that only *The Wrong Man* was directly based on a true story. The theme of an innocent man on the run, hunted down by the police and self-righteous members of society, so dominated Hitchcock's work that it was in the plot of his first talking

movie, and his next to last movie – made 45 years apart. A number of Hitchcock's films also had the added element of a "double chase": while being pursued the innocent person pursues the guilty person.

Another Hitchcock movie, *The Paradine Case* (1947), had the twist that a young attractive woman claiming innocence of murdering her older wealthy husband was in fact guilty, and the truth came out during her trial.

Hitchcock also delved into an aspect of a person's false accusation that is rarely explored in films: its psychological effect on family members. In *The Wrong Man*, the wife of the wrongly accused man has a mental breakdown from the stress of the situation.

There has been much speculation as to what personal experiences contributed to Hitchcock's fascination with the theme of an innocent person's pursuit by authorities. Several events during his formative youthful years have been identified as possible influences.

Hitchcock was born in London, England in 1899, and his father was a strict disciplinarian. When Hitchcock was four or five, his father reacted to his disobedience by sending him to the local police station with a note. The note asked the police to lock Hitchcock in a cell for several minutes to teach him a lesson. A policeman followed the notes instructions, telling young Hitchcock as he was locked in the cell, "This is what we do to naughty boys." ¹ Several biographers refer to that incident as imbuing Hitchcock with a life-long ambivalence toward law enforcement. When asked years later by a New York *Herald Tribune* columnist what frightened him, Hitchcock's second answer was "Policeman." ²

Also when he was young, Hitchcock was a student at a Jesuit school in London. After becoming an acclaimed director, Hitchcock said in an interview, "It was probably during this period with the Jesuits that a strong sense of fear developed – moral fear – the fear of being involved in anything evil. I always tried to avoid it. Why? Perhaps out of physical fear. I was terrified of physical punishment." ³

Whatever the source of his inspiration, Hitchcock's movies have conveyed the idea to untold tens of millions of people how easily circumstances can result in an innocent person being wrongly accused or suspected of a crime. Complimenting that idea was Hitchcock's accompanying plot nuance that the pro-active efforts of the wrongly accused person was critical for the truth to come to light, and that the person's innocence was established in spite of, and not because of the efforts of the police.

Although he emigrated to the United States in 1939 and became a naturalized U.S. citizen in 1955, shortly before his death in April 1980 at the age of 80, Hitchcock was knighted by Queen Elizabeth II for his contribution to English cinema.

More than a quarter century after his death, Hitchcock's talent continues to be recognized. A December 2006 article in *The Atlantic Monthly*, "Influential Filmmakers," named Hitchcock as one of the five most influential persons in the first hundred years of filmmaking in the United States.

Endnotes:

¹ Alfred Joseph Hitchcock, *Dictionary of American Biography*, Supplement 10: 1976-1980, Charles Scribner's Sons, 1995.

² *Id.*

³ *Id.*