

opinion

Public defenders wages protested

by Maxwell Glen and Cody Shearer

WASHINGTON — When about 100 attorneys here went on strike last week for better pay, this city of lawyers naturally thought the action more novel than serious.

But the strikers were attorneys who represent mostly indigent criminal defendants. They claim that their government-paid fees, which haven't been raised in 13 years, are undermining both their livelihoods and the Constitutional rights of their clients. Unfortunately, their complaint reflects a national malaise towards equal protection under law that is reaching crisis proportions.

It was 20 years ago, in *Gideon vs. Wainwright*, that the Supreme Court granted the right of free counsel to all defendants who, charged with a serious crime, couldn't afford an attorney. Since then, the courts have extended that right to numerous other cases, including misdemeanors in which a defendant, once convicted, will probably receive a prison sentence. Since 1972, the *Gideon* spirit has helped to add at least six million cases to the load of public defenders and court-appointed attorneys.

Yet the Court has never told state and local governments, which have jurisdiction over most crimes, how to pay their mounting indigent defense bills. Instead, they've left that burden with legislatures and city councils, most of which have understandably been more interested in protecting the interests of prosecutors than the rights of indigent criminals.

In 1981, according to an American Bar Association study, spending on indigent defense nationally was less than \$436 million, or only 1.5 percent of all state and local criminal justice expenditures. Meanwhile, fees for court-assigned counsel were found to average \$20 to \$30 per hour — at least \$20 less than the rate received by retained attorneys in criminal cases and \$40 less than in civil cases. Many states were reported to limit total fees to \$1000, regardless of how many hours worked.

"Funding for indigent criminal defense work is a national humiliation," says Richard J. Wilson of the National Legal Aid and Defender Association. Adds the University of North Carolina's Norman Lefstein, who authored the ABA study: "The concern I have is that this system doesn't protect the innocent."

Anyone familiar with the legal profession today knows why. Despite a glut of attorneys, low compensation rates discourage all but the most idealistic or least experienced lawyers from going to bat for poor defendants. Fiscal constraints hamstring even the best public defenders; meanwhile, to make ends meet, private practitioners must either take on too many cases or cut corners that, particularly where lab tests or other research is involved, can often prove useful to a defendant's cause.

Unfortunately, many states seem uninterested in even a modicum of balance. In the last two years, at least eight states—

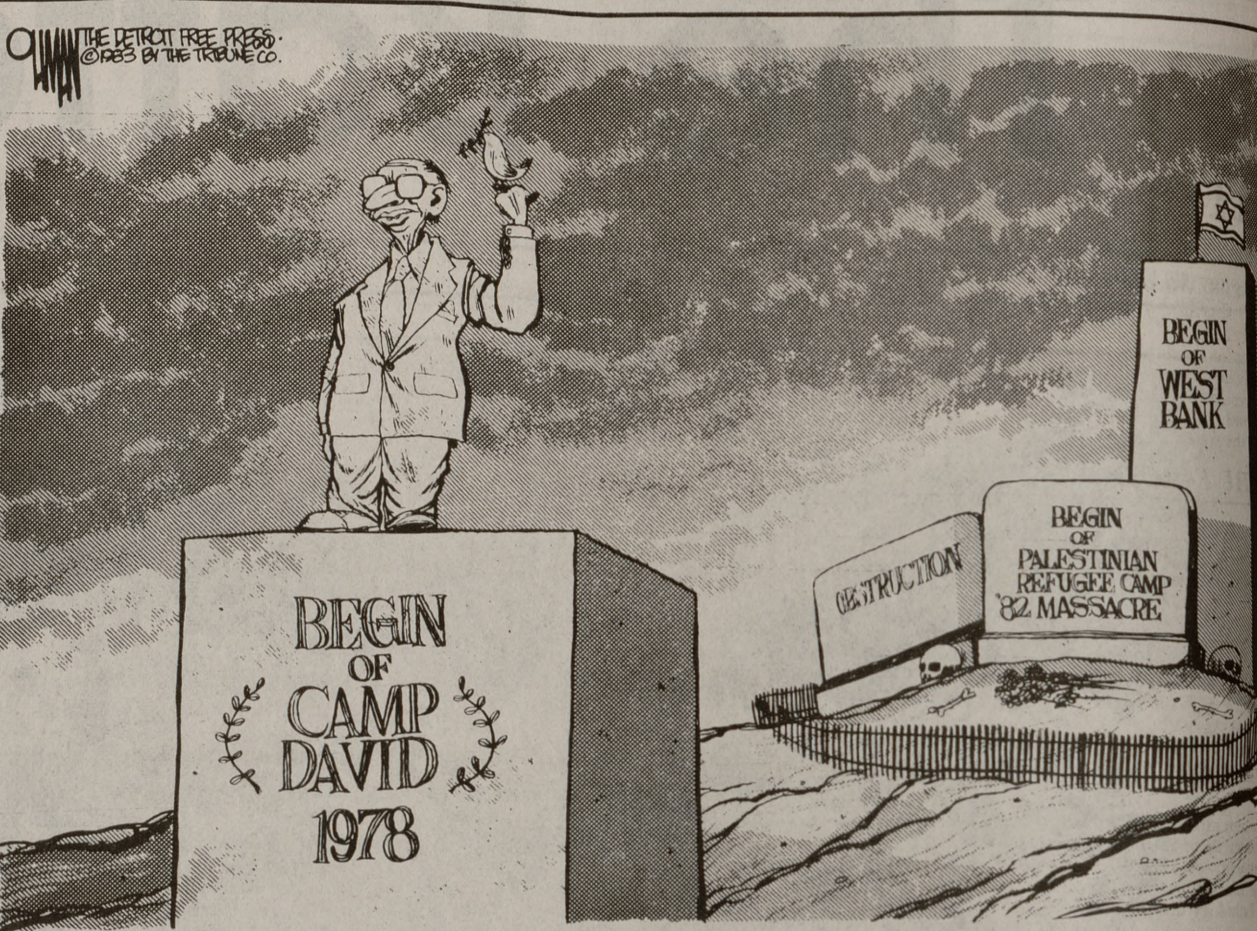
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Alabama, Florida, Kentucky, Massachusetts, Missouri, Vermont, Washington and Wisconsin— have either exhausted funds for assigned attorneys or simply refused to pay up. At the same time, prosecutors have demanded more support, and generally succeeded.

During the last decade, litigation intended to redress such inequities has increased. According to Wilson's group, lawyers in 14 states and the District of Columbia have sought either to raise fees or to restrain judges from forcing them to accept indigent clients involuntarily. Lawsuits have put such states as Missouri on a path blazed by Los Angeles, Philadelphia and other pace-setters.

In Detroit, however, the first fee increase in 16 years will still leave fees for court-assigned work 30-50 percent shy of the increase in consumer prices. That fact alone underscores the distance that the cause of indigent defense must travel before the system's health is assured.

Last week, a state supreme court justice in New York ignored a prosecutor's pleas for more stringent punishment in sentencing John V. Lindsay Jr., son of the former New York City mayor, to "public service" for a cocaine conviction. Lindsay's penalty undoubtedly reflected, in part, the quality of his defense. Would a poor defendant, charged with the same offense, have been so lucky?



Soap operas: Fun, but still ridiculous

I recently heard a student complain, "My life is like a soap opera." Impossible. No one's life could be that badly written.

Soap operas probably are some of the most creative shows on television. Too bad they also happen to be the most ridiculous.

For example, look at the current happenings on *General Hospital*, a favorite among housewives and college students.

Today in Port Charles, we have three communist spies from some unidentified country trying to capture a disk that looks like a white poker chip.

The real disk is taped to the top of a ceiling fan in a casino owned by Luke, the man who in the past raped the wife of a friend and ran off with her to release Port Charles from a crazy millionaire who was trying to take over the city by freezing it solid in the middle of summer.

Luke now is running for mayor against Lee Baldwin, a reformed alcoholic, who is the father of the husband of the woman Luke raped.

I don't know who I would vote for, the drunk or the rapist.

The most unbelievable part of *General Hospital* is how anyone as ugly as Luke can have beautiful women hanging on him all the time.

I've always decided that if I couldn't be an award winning columnist, it would be fun to be a soap opera writer. I can see it now — "All My Illegitimate Children."

As we open today's episode of "All My Illegitimate Children" we find Philippe looking lustfully into the eyes of Bernadette.

"Ah, Bernadette, I don't care if you were a candy-gram stripper in the alleys



kari fluegel

of New York before I became your pimp. I still need the floor plans to the hospital broom closet before my plans to take over the world will be complete."

Next we switch scenes and find Joshua, the handsome police officer, crying over the body which he thinks is his lover, Starla. The body is really that of Twila, Starla's twin sister. Starla enters, and Joshua leaps to his feet and cries:

"You're alive." (Brilliant dialogue, isn't it?)

Quick switch to kindly Dr. Gerard. "I think this hang-over is going to kill me. I am glad I only have to do one triple bypass this morning."

Next we see kindly Dr. Gerard consuming martinis intravenously while operating on Pamela Sue, the aspiring country-western singer pregnant with Joe's baby, but married to Joe's father, Bud, the rich, but crooked, Texas.

Pamela Sue's life hangs by a thread (the producers are negotiating her contract). Sweat appears on kindly Dr. Gerard's brow as he asks:

"What are her vital signs, Intern Frank?"

Heartthrob Intern Frank responds with panic in his eyes, "Pamela Sue's heartbeat is..."

Tune in next week to find out whether Pamela Sue got her raise or the ax. Coming up next, find out who bugged Frank's shower on "As the Stomach Churns."

Support of Israelis rapped

Editor:

It is entirely appropriate that Rev. Jerry Falwell should come to A&M and preach to us on the high value that the Judeo-Christian Ethic puts on human life, right on the eve of the first anniversary of the Israeli-Phalange massacre of Palestinians at Sabra and Shatila refugee camps.

Movie 'censored'

Editor:

I am deeply indebted to the heroic efforts of those persons responsible for preserving my mental stagnation on the night of Thursday, Sept. 15. I refer, of course, to whoever censored what I understand to be a potentially damaging portion of the evil film "A Clockwork Orange," shown that night in Rudder Auditorium.

Lacking proper supervision, I had inadvertently strayed into the auditorium, and was, quite against my will, subjected to a shocking display of decadent and original thought. Chained to my seat by my weaknesses, I could not escape viewing the film's dangerous presentation of modern social and moral problems. I realized that if I even began to consider these issues I would face the utter disintegration of the correct values I now hold.

Caught in this treacherous predicament I was overjoyed to learn that a scene had been cut. I marveled at the wisdom of those who had seen fit to protect my mind when I could not. It is with great sadness I realize that they, with their superhuman insight, will not be able to watch over me after I graduate.

But until then I rest assured that with their help I am well sheltered from any new ideas or differing viewpoints of the world. That is, after all, why I chose to attend college, and I am glad to see that vulnerable and simple-minded students such as myself will not be exposed to such poisons.

Tom Shutt '86

Listening to Rev. Falwell lament the prevention of the Israelis by the United States from carrying out all of their goals in Lebanon, "Clean it up" as he said, and further noting that he is the leader and spokesman for millions of American Christians, one concludes that either the Judeo-Christian Ethic's values apply only where Jews and Christians are concerned, (prefer-

ably protestant Christians since 20 percent of Palestinians are Catholic, only two percent are protestant), or the Palestinian "dirt" in which case the term human does not apply and the valiant Israelis and their brave allies have every right to clean them up.

Nabil Al-Khowaiter

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