

American Press Editorial on Sunday, October 31, 2004:

Speedy trial guarantee a farce in Calcasieu

In this era of gay marriage amendments, the Pledge of Allegiance and courthouse monuments, the strength of the U.S. Constitution is constantly being weighed and considered. Its phraseology is dissected and examined for any clue that it might be illegal to allow same-sex couples to marry, or for students to recite the complete Pledge of Allegiance.

For years, however, the state (and more specifically Calcasieu Parish) has blatantly disregarded the constitutional rights of thousands of its own — the right to a fair and speedy trial.

The blame falls on all three branches of state government and even lands inside many local households, where terms like "indigent defense" and "public defender" are relegated to TV programs or, even worse, people who are not worth serious consideration.

Those who believe that public defenders are only necessary for the poor and misbehaved should remember that constitutional rights stripped from any citizen threatens the rights of us all.

Those who believe the need for a public defender could never penetrate their middleclass household should remember that virtually every person reading this editorial would need a public defender if accused of a crime. Exempt are those who have connections and those with tens of thousands in the bank that can be withdrawn for suitable representation.

The rest of us — the vast majority, we suspect — would be left in the grossly underfunded hands of the PDO.

For years, the state has allowed the problem of indigent defense in Louisiana to snowball to ridiculous proportions. We have reached a crisis, and that's not an understatement.

On Sept. 23, two Washington law firms filed a lawsuit against Louisiana. The suit claims that the state's public defender system is so underfunded and defective that it is unconstitutional.

It's difficult to argue against the suit when a recent report revealed that, among other things:

- Nine staff attorneys in the Public Defender's Office each handle an average of 350 to 400 open felony cases per year — approximately twice the caseload standard established by the Louisiana Indigent Defense Assistance Board, and two-and a-half times the national standard set by the American Bar Association.

- Nationwide, 90 percent of all felony cases are resolved within one year of arrest. In Calcasieu Parish, only 20 percent of felony cases are resolved within a year.

- Defendants are held for months without knowing the charges against them.

- Defendants sometimes wait years in jail while their trial dates are postponed again and again. Many of these defendants are not being held for violent crimes.

- The Public Defender's Office in Calcasieu Parish lacks the resources to hire expert witnesses or conduct thorough investigations prior to trial.

- In most cases, defendants meet the attorneys assigned to their cases for the first time at

arraignment, which occurs on average 10 months after arrest.

We should be ashamed of this report. We should be ashamed that our problem has reached such extremes that we need outside firms and attorneys to fix it. We should be ashamed that we have ignored the constitutional rights of our citizens for this long.

The Southwest Louisiana Bar's cavalier attitude about the growing problem is galling. Collectively, it has been all but silent.

The 14th Judicial District bench and the Calcasieu Parish District Attorney's Office have done little to solve the problem. We should be mindful of that at election time.

We should be ashamed that a system that needs at least \$55 million to operate effectively, while protecting our rights, only gets \$9.5 million from the state.