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HEADLINE: Time for La. to ensure poor get legal help

BODY:

"With liberty and justice for all."

That's a pledge Americans make because we are a country that is governed by the people and for the people. Each of us is charged with the responsibility of making sure our government lives up to that pledge.

But in Louisiana, we aren't doing so well with that pledge when it comes to indigent defense. Funding to provide legal representation for the poor is woefully inadequate, according to the state's Task Force on Indigent Defense, a panel established by the state Legislature and given the job of solving the problem.

A March 2004 report by the National Legal Aid and Defender Association shows that Louisiana's current system violates state and federal constitutional requirements and the American Bar Association's principles for indigent defense.

Yet we have let this problem continue without major reform. State Senate Bill 323, which was passed in June, was the first step in a much-needed reform process.

The bill establishes a stronger statewide board and more uniform representation for people who can't afford to hire attorneys.

But we have a long way to go. Adequate funding is crucial. A system to see that adequate funding is provided has yet to be established.

Why should we care?

Because we made a pledge to provide "justice for all."

Because the Constitution guarantees our right to counsel.

Because the Supreme Court in 1963 further defined that the right to counsel for those unable to afford it is a fundamental part of due process. The high court also said state government is responsible for providing a public defense system that ensures we keep that pledge. It is a pledge of "justice for all" and equal justice for all.

If that isn't reason enough to care about indigent defense reform, then consider this: Currently, because public defenders are tremendously overburdened by the caseload, justice in this state is not fair, correct, swift or final.

There are numerous stories of reversals, retrials, years of continuations and wrongful convictions plaguing our courts.

This hurts us economically and it hurts us socially.

It is said that the true character of a civilization is seen in how it treats its underprivileged. What does our failure to provide the poor with a proper legal defense say about our character?

It's time for Louisianians to take responsibility for seeing that government does what it has promised to do -- provide fairly for all its citizens. It's time to step up and let those chosen to govern understand that indigent defense reform is important and mandatory.

It is time to keep our pledge.