

Representation a problem for indigent defendants

Alternative systems of legal representation for indigent people in Lane County were the subject of public testimony, question and comment at a meeting held Monday night in the County Annex building.

The meeting, heavily attended by lawyers and officials of the local judicial system, was called by the Ad Hoc Public Defender Citizen's Advisory Committee. The group was set up at the request of the county commissioners to study the feasibility of setting up a public defender system in the county, and to report to the commissioners by the end of July.

Court-appointed attorneys currently represent Lane County citizens who lack the means to pay for their own legal expenses. The public defender system, which has been instituted in many communities since its first emergence as an innovation in Los Angeles, would create a full-time salaried office to represent the indigent.

Though agencies of the local judicial system were amply represented at the meeting, most declined to take a strong stand either pro or con on the public defender issue. A spokesman for the district attorney's office said the prosecuting agency had not committed itself either for or against the establishment of a public defender's office, and would not do so until more information is in. However, he favored maintaining the current system unless it could be shown that the innovation would be superior in terms of quality of defense for the indigent or in terms of the cost factor. A representative from Legal Aid did not speak in advocacy of either the present system or a new one.

Strongly-stated opinion that pulled no punches about the workings of the U.S. judicial system was offered by University student Gordon Little. Little, who is studying community service public affairs

through a Newgate release program, spoke from personal experience of how the judicial system functions, and offered a glimpse into how those behind bars view the process.

He characterized both the court-appointed attorney and the public defender system as they currently function in various communities as games — ones titled "Let's make a deal...let's cop out," referring to out-of-court bargaining with judges and DAs. "A man in prison looking at the American justice system," he said, "knows it's kind of like buying meat in a butcher shop...How much can you pay for?" Because of this behind-the-scenes dealing and because public defenders' resources are inadequate to the needs, even these "innovative" defenders of the poor have become a joke among prisoners, he said.

Outstanding lawyers, he said, are seldom appointed and seldom accept indigent cases. Those attorneys who do take the cases are paid \$25 to \$100 when they would receive \$1000 or so if it were a private case. This, in Mr. Little's view, is tokenism, an imposition on the lawyer and seldom generates vigorous defense for the poor.

Little urged strongly that whatever system Lane County chooses, be it court-appointed attorney or public defender, the program should be adequately funded, adequately staffed and structured with a strong governing body and definite guidelines.

Police investigative resources ought to be available to each individual just as they are to the prosecuting agencies of the state, he also suggested. Another step toward a truly just system which Little recommended would be to require each new attorney to spend six months in jail, so that he or she would know what 10 years of imprisonment is when handing down sentences.

Speaking in favor of retaining the current system of court-appointed lawyers was a representative of a local law firm retained by the city of Eugene to defend indigents. At the district and circuit court level, he maintained a public defender's office would give way to a factory atmosphere — to specialization among the lawyers, to mass production and to impersonality.

He observed that a district attorney's proximity to the power structure impedes his or her ability to seek justice. The same, he feared, would occur with a public defender.

Court-appointed attorneys, it was pointed out, are subject to the same pressures. Since they are seldom the most influential lawyers, these attorneys appointed for the poor aren't in positions to "squawk, scream, or open any doors" for their indigent clients, it was said.

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DA supports bill lowering penalty for state's casual marijuana users

A bill which would remove criminal penalties for possession of small amounts of marijuana received "wholehearted support" Tuesday from Lane County District Attorney Pat Horton.

Horton also indicated full support for the U.S. Supreme Court's recent obscenity decision, citing the establishment of local community standards as the basis for pornography legislation as a "milestone in Constitutional interpretation."

The marijuana proposal — HB 2936 — makes possession of less than one ounce of marijuana a violation punishable by a maximum \$100 fine.

"This bill codifies the law enforcement priorities we sought to achieve with our citation program here in Lane County," Horton stated. "This legislation is of landmark proportions. It would once again give Oregon a leadership position in establishing a progressive trend for the rest of the nation to follow."

Horton said the proposed law is a compromise in that it "recognizes the realities of today's world while not fully condoning marijuana usage. If nothing else, that should make it palatable to all parties."

He said that most marijuana laws take a "head-in-the-sand approach."

"We should face the fact that marijuana users are no longer the black leather jacket crowd. They are your neighbors and

mine, and our neighbors' kids. A recent study in the Eugene-Springfield area indicated that 46 percent of our high schoolers use marijuana on a more or less regular basis. The figures are undoubtedly higher for college and young working persons. These people are not criminals as such, and should not be treated that way. In many cases they lose respect for other laws because they know first-hand that this one is unfair."

Horton said one of the reasons he proposed and helped establish the program of issuing citations to marijuana users in many Lane County cases, was because it would free law enforcement officers to pursue more serious crimes. He said he felt that the proposed legislation would have a similar effect. "We should devote our time and resources to apprehending and convicting burglars, rapists, murderers, hard drug pushers, and the like," Horton stated, "not incidental and casual users of marijuana."

The obscenity decision was also fully supported by the DA.

"The idea that each community has the right to determine what is acceptable and what is not in its own area is a vitally important concept," Horton said. "What the norm is in South Side Chicago, New York, or Los Angeles is not necessarily what we want in Eugene, Oregon."

Horton said he did not buy the idea that certain pornography legislation would trample on

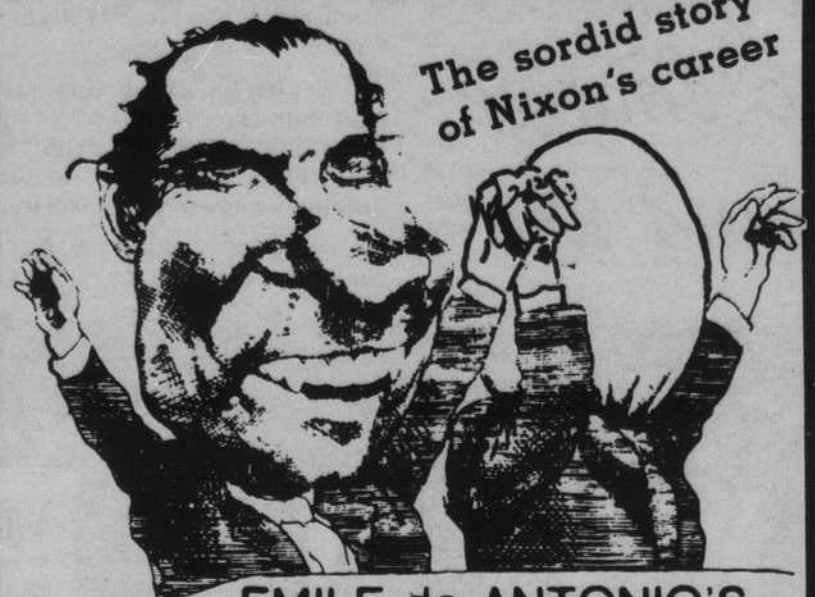
individual rights. "I am a firm believer in individual choice and certainly do not support legislating morals," he said. "But, on the other hand, it is not fair for organized criminals and other professional types to take advantage of our basic humanitarian attitudes by charging exorbitant prices for titillating activities and materials that are an affront to normal community standards, and then using the huge profits from this lucrative trade to support other illicit activities."

He also said he felt the court's action echoed the position he took in proposing the recently passed county ordinance outlawing "body shops" and "massage parlors" in Lane County. "I said at the time that this law was a proper and constitutional exercise of our local prerogatives in this area. The Supreme Court decision reinforces that determination."

The DA indicated that there was apparently widespread community approval of his action. "Our mail has been running 20-1 in favor of the ordinance," he said "And most of the letters have been quite complimentary."

Horton said that investigative reports from the Lane County Sheriff's Office indicate that the one business directly affected by the ordinance, the "Gentlemen's Retreat," has been closed down for about three weeks.

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