

Legal representation cut for kids

by Marsha Shewczyk

"The wealth of this reservation is its youth." How often has this statement been made? Maybe often enough to make people think it is true.

So in order to encourage the responsible development of these young people athletic and educational programs are initiated. But even with programs developed for youth there are still those young people who get in trouble.

Until recently juveniles who became involved in the court process because of some illegal behavior had legal advocates to consult. With concern for the budget, however, and due to management decisions much of the juvenile legal aid program has been abolished.

There is an attempt to minimize spending and talk about simplifying the system. But according to legal aid advocate Angie DeLaTorre "it is not getting simpler." If the system is simplified any more she feels "it will simplify them out of their rights."

DeLaTorre says that the recent revision of the Law and Order Code only makes the system more complicated. With more rules, "more training is needed to implement these rules," DeLaTorre argues.

With elimination of one legal aid position juveniles will not be represented. The reason given for removal of that position goes back to the Indian Civil Rights Act of 1968 which says that tribal members are entitled to an attorney at their own expense. Until this time providing legal aid advocates has been a courtesy by the tribe according to Justice Services Administrator Richard Burton.

The advocates were used by many adults as well as juveniles for legal advice. Many people



The legal aide staff before budget cuts include legal aid advocates Angie DeLaTorre and Joshua Ried and legal aide secretaries Iris Carter and Bonnie Goodlance. One legal aid advocate position will remain in the department after April 1.

can't afford such advice explains DeLaTorre. Besides aiding in communication the legal aid service helps to solve problems. They also provide advice on resources, that is where to go for certain services or help. Mainly the advocates represented clients in tribal court.

The juvenile advocate previously accompanied the juvenile to his or her arraignment followed up and developed the case, prepared sentencing recommendations, visited them at the jail and group home and represented the juvenile in court. "Now," DeLaTorre feels "the child is on his own."

It has become the responsibility of the juvenile to recruit an attorney or spokesman from the community. The juvenile does have the right to represent himself, but an advocate is no longer offered for their benefit.

The one remaining legal aid advocate is responsible strictly for representing adult cases where the defendant could go to jail, that is major traffic crimes and criminal cases.

No longer are any juvenile cases represented by that department. "Custody cases are the biggest concern," DeLaTorre says, "There is a problem if going against an outside or non-enrolled member. Enrolled members often do not have the money necessary," for legal counsel.

Last year 134 juvenile court cases were heard along with 430 adult criminal cases and 505 domestic cases. Twice as many cases pass before the legal aid department. With only one legal aid advocate we "couldn't possibly take on juvenile cases," DeLaTorre adds. She says, "We're turning people away now. We used to give a lot

of advice. We no longer have the time."

Although this is a financial consideration DeLaTorre feels that there is a need to determine what's essential and what is not. She feels the cuts made under the supervision of JSA Richard Burton were not appropriate primarily because of a conflict of interest.

In a memorandum sent to Burton, DeLaTorre states, "... conflict of interest problem exists because as head of the police department and prosecution, your interests run clearly contrary to the interests of the Legal Aide Department. In an adversary system as exists here, the rights of the Legal Aide and police are always at odds. Therefore, it is impossible for one individual to represent both departments properly."

The police department has recently added 14 new positions and deleted the juvenile officers positions. Whereas legal aide had already reduced their personnel by one position last year and as of April 11, the legal aide advocate position will be abolished.

In the same memo cited above DeLaTorre states, "We need all the positions, including the one you had me delete from our budget for the year of 1982. Our department provides many services to individuals who are dealing with tribal court and other agencies. Without our full staff, we cannot provide these services."

Burton in response to the "conflict of interest" issue stated that "it is a difficult job to balance out between" the police department and the legal aide department. He feels, though, that he is able to do it.

The budget cuts are the results of community and Tribal council concerns, Burton says, "They wanted to gear down. Things are getting too technical."

From one point of view the legal aide advocate is necessary to enable both juveniles and adults to get adequate and proper legal representation in a system that is getting more complex daily. The contrasting point of view finds technicalities increasing because of the number of people involved in the legal process. The technicalities in the latter viewpoint can be reduced by reducing personnel.

Reducing the number of people in an attempt to reduce budget expenditures does not necessarily reduce the complexity of the legal system. It may, as DeLaTorre says, "simplify them out of their rights."



WHERE THERE'S SMOKE—The Warm Springs Fire and Safety department responded to a call at an abandoned house located just below the Police Department. One room of the house was in flames as well as an outer wall. The fire was extinguished quickly. The cause of the fire is still under investigation. Spilyay Tymoo photo by Leno

Correction of Crossing hours

It was stated in the last issue, Vol. 7 No. 5, that the new spring and summer hours for Deschutes Crossing would be from 8 a.m. to 10 p.m., Monday through Friday, and weekends from 7 a.m. to 10

p.m. This was incorrect and we apologize to our readers and to the Crossing.

The new hours should read daily from 6 a.m. to 10 p.m., Monday through Saturday, and Sunday from 7 a.m. to 10 p.m..

American Indian and the law

Instructor: Angelina De La Torre

The purpose of this course is to introduce the student to law in general, as well as the unique area of American Indian in their relationships with the federal government and the states.

The class will focus on the history of Indian law. Students will learn to research individual points of law. Discussion and term papers will focus on the history of Indian law, the structure of government, the

federal/tribal relationship, sovereignty, supremacy, jurisdiction, civil rights, land, water and hunting and fishing rights.

Local guest speakers will be utilized to address some of these subjects.

Text: **Cases and Materials on Federal Indian Law**, by Getches, Rosenfelt, and Wilkinson, cost: \$20.00

Date April 7—June 9, 1982
Time: 7:00—10:00 p.m.

Place: Community Center
Register March 27—April 2 at Adult Learning Center.