

The Public Defender

The whole country has been interested in the experiment made by the city of Los Angeles, California, in creating the office of public defender, whose function it is to employ the same activity in the defense of an accused person as the district attorney employs in his prosecution. It had always been the custom in Los Angeles, as in other communities, to choose a talented lawyer and give him unlimited resources and ample equipment, and then demand that all of his powers be exerted for the prosecution of any and all citizens accused of crime. To individuals here and there it has occurred, from time to time that similar equipment and endowment ought to be placed at the service of those accused citizens who are without means to defend themselves in the courts. It appears that in Los Angeles earlier than anywhere else this idea was permitted to take definite shape in a section of the city charter, which reads as follows:

"Upon request by the defendant of upon order of the court, the public defender shall defend, without expense to them, all persons who are not financially able to employ counsel, and who are charged in the superior court with the commission of any contempt, misdemeanor, felony or other offense. He shall also upon request give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in the reversal or modification of the judgment of conviction."

The same section also provides for prosecution of civil suits, minor actions, liens for wages and the like, in the case of persons unable to institute an action and to pay counsel fees on their own behalf, and it is provided that all such costs of action shall be defrayed out of the county treasury in the usual manner. The first official to acquire the title of public defender for Los Angeles county was appointed in January last as a result of a civil service examination, the successful candidate being Mr. Walton J. Wood. In less than two months the public defender had forty-five cases of persons accused of felony and the civil cases averaged over one hundred a week. The public defender's office has four lawyers and two assistants.

Just what may be done by the public defender's office to secure justice for obscure offenders may be illustrated by an actual case in the experience of the Los Angeles office which is related in a recent number of Everybody's Magazine by Campbell McCulloch. It was brought out that two men accused of burglary were starving when the offense was committed, and the public defender's office proved that they had made sincere efforts to secure work and food. The court did not put any faith in the story when it was first related, but after the facts had been presented in full, one man was released and the other let off with a light sentence. Had this case been conducted in the usual manner, the court appointing an attorney for the men, it is highly probable that no rigid investigation would have been made because of lack of funds, and both men would have been given long terms of imprisonment.

The real need of such an office as that of public defender is clearly set forth in a letter which was addressed some months since by Mr. Wood to a citizen of Milwaukee, who had

made inquiries with a view to the appointment of a similar officer for that city:

"When we bear in mind that in nearly every criminal prosecution in this state one citizen is arrested upon the complaint of another, and that the law provides an attorney to take the side of the complaining witness, it is astonishing that no provision has been heretofore made for a more effective method of bringing out the points in favor of the accused. It can not be doubted but that the public demands convictions of the district attorney, demands that he prosecute vigorously, demands that he represent but one side. Indeed, the law itself describes the duties of the district attorney, provides that he must prosecute and must present the evidence against accused persons. No provision is made, however, for him to defend. The law has always recognized the right of the accused to be defended. If he has money he can employ his own counsel and conduct his own defense. If he has no money the court appoints an attorney for him. In a great majority of cases these appointments fall to inexperienced youths who seek the appointment for the purpose of gaining experience. In some cases more experienced attorneys are appointed but they receive no remuneration for their work and it is hardly to be expected that they will give the work the same degree of diligence and care that should be given. In fact, experience has shown, and there is no reason whatever to doubt it, that a person accused of crime, under the old system, could not expect to get adequate representation. The government employs a skilled, experienced and ambitious attorney to present the case against the accused. The defendant has a right to enter the court on an equal footing with his adversary. Under the old system it was impossible for the defendant to get the equal protection of the law."—The American Review of Reviews.

HAS IT HELPED AMERICA?

"I am far from saying that an unwise and unpatriotic course in our foreign relations may not justify criticism of an administration and may not require its condemnation at an appropriate election, but in such a case the reasons must be found in injury to the interests of the United States and not in the merits of the issues being fought out by European nations in a European arena."

In this wise and clear-cut statement from an address delivered before the Washington society of New Jersey, ex-President Taft sets forth the only patriotic American viewpoint.

The main question for Americans must always be not how the admin-

istration's conduct of international affairs affects the interests of this or that foreign nation, but how it affects the interests of America.

Has it helped America? If so, there is practically an end to the argument. Has it hurt America? Then criticism should be directed toward making it help America and not toward making it help some other country.

The gentlemen who are talking about a big organization to oppose the renomination of President Wilson ought to apply this infallible touchstone to his record before going further with their program.

Leave Germany out of the question. Leave Great Britain and all the other belligerent nations out of the question. Can these gentlemen honestly say that President Wilson's course has not, on the whole, tended to help America?

Can they sincerely affirm that it has not tended to preserve America from European entanglements and to keep our population busy, fairly prosperous and fairly contented with the present condition of this country?

Men may rave and issues may come and go, but the administration that makes its foreign policy subserve the interests of America first, last and all the time is the only administration this country will permanently approve.—Chicago Herald.

HIS WARNING TO AMERICA

"Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial."

The great rule of conduct for us regard to foreign relations is, in extending our commercial relations, to have with them as little political connections as possible. Europe has a set of primary interests, which to us have none, or a very remote, relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. Why forego the advantages of so peculiar a situation? Why quit our own ground to stand on foreign ground? Why, by intertwining our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?"

President Wilson has lived up to the Americanism of these words. He is a pro-American. So was the author of the paragraphs which we have

quoted at such length from his farewell address—the first president of our United States, whose birthday we celebrate: George Washington.—Collier's Weekly.

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