

Louisiana is truly a country unto itself. It is a state with a culture and history uniquely its own. In spite of its idiosyncratic spirit, the “pelican state” bears a striking resemblance to the rest of the United States in how it handles the legal defense of its indigent citizens. Louisiana, a state second only to Mississippi in terms of poverty rate, holds the unfortunate distinction of being the state with the highest per capita rate of incarceration. The mixture of status quo mass incarceration and widespread poverty has primed Louisiana for a profound breakdown of the the judicial system.

Louisiana is currently reeling from an historic budgetary shortfall of close to one billion dollars, the effects of which are being felt in virtually all areas of public service. Especially hard hit is the network of public defender’s offices that service the state’s indigent criminal defendants, in fact public defense was one of the first services on the chopping block.

When asked about the public defender’s budget cut, Jay Dardenne, Governor John Edwards’s chief budget advisor said that the cuts would be less painful than those to come.¹ After having spent a mere three days in one parish effected by those cuts we can, without doubt, say that those cuts have been excruciatingly painful, not only for the defendants who are locked up with no access to counsel, but also for those public defenders whom are left with shell offices and are forced to handle double or triple the recommended caseload.

We, a group of six Hofstra University School of Law students, spent one week in Lafayette, volunteering our time to assist with the overwhelming task of securing counsel for those indigent defendants whom were without. We worked in partnership with the Roderick & Solange MacArthur Justice Center in New Orleans, an organization that has been the tip of the

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http://www.nola.com/politics/index.ssf/2016/02/louisiana_public_defenders.html#incart_river_in dex_topics

spear in countless criminal justice reform campaigns, and is now engaged in the herculean labor of drafting innumerable Writs of Habeas Corpus on behalf of unrepresented indigent defendants. We spent our time meeting with potential clients for the MacArthur Center and drafting habeas petitions on their behalf. In total we performed document review for 70 indigent defendants, looking into their court files, and ultimately met with fifteen of the original 70. In all we drafted fourteen petitions on behalf of the MacArthur Center's newest clients. The overall strategy was to free those that we could, but, at the very least, jam up the courts with habeas writs so that the judges could no longer ignore the problem.

The fourteen petitions we drafted represent fourteen people whom have been denied their birthright as Americans. Fourteen sons, daughters, fathers, and mothers. Fourteen people, all of whom have had a piece of their life stolen from them, a piece of time that they will never get back. Fourteen people that the system has all but forgotten.

All fourteen people that we had the opportunity to speak with were as different as could be imagined. However, all fourteen did possess certain commonalities: they had all been locked away for months or in some cases years; they had all received a letter to their jail cell, informing them that they would no longer have an attorney; they had all experienced the injustice that the ironically named "justice system" had to offer the poor; and, most surprisingly of all and in the face of unbelievable adversity, they were all optimistic. Even though we explained that the legal work we were doing would be unlikely to yield an immediate result, every person we met in that jail was genuinely excited to learn that someone beyond the walls of their prison was thinking about them.

The crisis of American justice we witnessed in Lafayette went beyond the lack of representation. During our conversations with inmates at the Lafayette Parish Correctional

Center (LPCC) we witnessed firsthand some of the inhumane conditions that inmates were suffering through. One person in particular told us that in spite of her crohn's disease the staff at the LPCC would only allow her two rolls of toilet paper per month and was told by staff that if she ran out she should use her towel or hand. We heard from countless inmates who told us how they volunteered to enter segregated housing units to avoid the violence that is so rampant in the jail.

The crisis experienced by those in Lafayette is not theirs alone, it is a crisis which confronts the entirety of the American people. The idea that the United States is the still looked to as the city upon a hill has, more so than ever, been an issue of hot contention. Whether one chooses to view the notion of American exceptionalism with reverence or contempt it is undeniable that Americans as a people have, for better or worse, subscribed to a basic core of beliefs that defines us as a people. Among those beliefs that American's hold up high is the idea that those who are accused are entitled to a speedy and fair trial by a jury of his peers. This right, like others so deeply engrained in the American lexicon, is looked to as evidence of the greatness of the American way of life and failings such as those that are taking place in Lafayette detracts from our greatness as a people.

On the long drive back to New Orleans we all had plenty to brood over. We were mad over what we had just seen. We were mad that certain prosecutors and judges were trying to blame the public defenders for the system's shortcomings, accusing them of exacerbating the problem for their own gain – as if there could be anything for them to gain. But our anger was tempered by the goodness we had witnessed. We had met with people locked away in hell, who still looked to the brighter side of life. We also met those on the outside who put their lives on hold to work endless hours trying to do right by their fellow man. All things considered we

returned to New Orleans not angry, but proud to be apart of a movement that, in the great spirit of Gideon, “aims for an improvement in law for the benefit of mankind.”