

WISCONSIN CATHOLIC CONFERENCE

EYE ON THE CAPITOL

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STATE SENATE IMPROVES ACCESS TO PUBLIC DEFENDER

By John Huebscher, Executive Director

Since Wisconsin does not permit capital punishment, the most significant action government can take is that of depriving a person of his or her freedom. This loss of freedom makes the stakes in any criminal proceeding of great importance to the accused. That is why fairness is critical to our system of criminal justice.

In our system, those accused of wrongdoing are presumed innocent and entitled to their day in court. For that day in court to be meaningful, the accused must have a genuine opportunity to prove their innocence. Adequate counsel, properly compensated, is vital to that opportunity.

For those who are poor, the State Public Defender provides this opportunity. However, over the years access to the public defender has eroded. Once a defendant's income exceeds a certain amount, he or she is ineligible for the services of a public defender. Indeed, as an editorial in the *Appleton Post-Crescent* observed, a single parent earning \$7.25 an hour in a full-time job makes too much to qualify for representation. If they can't find the money to pay for competent counsel, the poor go without adequate representation.

Last month the State Senate took an important step toward rectifying this problem. The Senate adopted Senate Bill 263, authored by State Senator Spencer Coggs (D-Milwaukee) on a bipartisan vote of 21-12.

The testimony at the public hearings on the bill also reflected this bipartisan support. Wisconsin's Republican Attorney General, J.B. Van Hollen, endorsed the proposal. At the hearing on the bill, he offered compelling testimony as to how lack of competent defense counsel impacts other parts of the criminal justice. He and other witnesses observed that judges, juries, and even prosecutors behave differently and at times more sympathetically to the defendant when they sense that a defendant's lawyer is failing to represent his or her client. When that happens, the goal of fair and impartial justice is undermined.

The WCC supports Senate Bill 263. It does so because the bill is consistent with the goals expressed by the bishops in their 1999 statement, *Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin*. That statement articulated several principles to guide public policies regarding crime and punishment.

One such principle is: "Criminal justice policies and pastoral responses to crime must take special care to address and serve those with little or no money. Policies must ensure that justice is as accessible to victims and offenders who are poor as it is to those who are more affluent."

Senate Bill 263 makes competent counsel more accessible to defendants. In so doing, it upholds our state's commitment to equal justice under the law. The bill also furthers the tenet of Catholic social teaching that the measure of all institutions is the degree to which they protect the poorest and most vulnerable members of our society.

The Senate did the right thing when it passed SB 263. Let's hope the Assembly follows suit.

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