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Correspondence

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CORRESPONDENCE

PUBLIC DEFENDER

March 16, 1920.

Dear Sir: In the February number of the Journal there appears an article by Mr. Harry E. Smoot under the title, "The Public Defender: A Constructive Suggestion."

Mr. Smoot states that he is inclined to think "the principle of public defender may be sound." However, he points out that the country is in a state of unrest, that acts of violence, crime and vice are rampant and that many crimes are attributed to belated and ineffective prosecutions of those persons charged with crimes. He states that the only method for courts to take just now is to deal out punishment swiftly and certainly. He closes his article with a question, asking whether this is the time to inaugurate the principle of the public defender.

Permit me to answer this question with special reference to the statements made by Mr. Smoot. Referring first to those who are guilty of crime and who by their acts can be said to be responsible for the fact that crime is rampant, I desire to point out that the public defender would not cause any temporizing with crime. On the other hand, the public defender would aid the court in seeing that justice is dealt out swiftly and certainly.

The records of the public defender's office in Los Angeles, where the office has been in existence for six years, show that in cases handled by private counsel only 46 per cent of the defendants pleaded guilty, while in cases handled by the public defender during the same period nearly 70 per cent of the defendants pleaded guilty. The public defender tried his cases in about one-half the time required by private attorneys. Although the public defender appeared in about one-third of all the criminal cases, he filed demurrers in only four cases, while private attorneys filed 111 demurrers. These facts, taken from the records, indicate that if there were a public defender in Chicago, criminals would not be aided by technicalities or delays. On the contrary, there would be a notable improvement in the methods used in disposing of criminal cases.

As to the state of unrest on the part of the public defender in general, I believe that the appointment of a public defender would have the opposite result from that feared by Mr. Smoot. The new

officer would certainly not "reform the world," but he would cause a feeling among the great bulk of the people in very modest circumstances that the government is trying to do justice to all, the rich and poor alike. The new officer would aid a great deal towards allaying the present state of unrest. He would not be appointed for the purpose of freeing criminals, regardless of the merits, but he would represent those accused of crime who otherwise would not have a proper defense.

Very truly yours,

WALTON J. WOOD.

Public Defender, Los Angeles, Cal.