

a 12-year-old was accused of molesting his 5-year-old neighbor after the boys had played a game that, the younger one said, involved the older boy putting his hands down his pants. The 12-year-old's overworked public defender advised his client to quickly plead guilty. The lawyer carried 240 other criminal cases, never spoke to a witness, hired no investigator, spoke to no experts, met with his client's family for less than two hours and failed to speak to his client alone once; the court ordered the 12-year-old to register as a sex offender for the rest of his life, be tested for sexually transmitted diseases and attend sex rehab workshops. Six years later, on appeal, the state Supreme Court determined that the boy's counsel had been inadequate, and Washington is making strides in reforming indigent defense.

But plenty of cases are rushed through courts around the country, with equally disturbing results. The crisis in our courts raises questions about how we as a nation define "justice." Will we pay lip service to the notion that everyone has a lawyer to represent them in court? Will we provide a warm body in a suit and tie to stand next to a defendant? Or do we equate "justice" with fairness—and provide folks who are accused of crimes with meaningful representation? Is the country committed to a level playing field, the adversarial system of justice in which both sides are properly armed to argue and from which truth emerges? Are we committed to making the system work as it is designed to?

In the 1800s, Mark Twain joked that "the law is a system that protects everybody who can afford a good lawyer." In many ways, unfortunately, that remains true today.

[From the New York Times, Mar. 16, 2013]

#### RIGHT TO LAWYER CAN BE EMPTY PROMISE FOR POOR

(By Ethan Bronner)

Billy Jerome Presley spent 17 months in a Georgia jail because he did not have \$2,700 for a child support payment. He had no prior jail record but also no lawyer. In Baltimore last fall, Carl Hymes, 21, was arrested on charges of shining a laser into the eyes of a police officer. Bail was set at \$75,000. He had no arrest record but also no lawyer. In West Orange, N.J., last summer, Walter Bloss, 89, was served with an eviction notice from the rent-controlled apartment he had lived in for 43 years after a dispute with his landlord. He had gone to court without a lawyer.

Fifty years ago, on March 18, 1963, the Supreme Court unanimously ruled in *Gideon v. Wainwright* that those accused of a crime have a constitutional right to a lawyer whether or not they can afford one. But as legal officials observe the anniversary of what is widely considered one of the most significant judicial declarations of equality under law, many say that the promise inherent in the *Gideon* ruling remains unfulfilled because so many legal needs still go unmet.

Civil matters—including legal issues like home foreclosure, job loss, spousal abuse and parental custody—were not covered by the decision. Today, many states and counties do not offer lawyers to the poor in major civil disputes, and in some criminal ones as well. Those states that do are finding that more people than ever are qualifying for such help, making it impossible to keep up with the need. The result is that even at a time when many law school graduates are without work, many Americans are without lawyers.

The Legal Services Corporation, the Congressionally financed organization that provides lawyers to the poor in civil matters, says there are more than 60 million Americans—35 percent more than in 2005—who qualify for its services. But it calculates that

80 percent of the legal needs of the poor go unmet. In state after state, according to a survey of trial judges, more people are now representing themselves in court and they are failing to present necessary evidence, committing procedural errors and poorly examining witnesses, all while new lawyers remain unemployed.

"Some of our most essential rights—those involving our families, our homes, our livelihoods—are the least protected," Chief Justice Wallace B. Jefferson of the Texas Supreme Court, said in a recent speech at New York University. He noted that a family of four earning \$30,000 annually does not qualify for legal aid in many states.

James J. Sandman, president of the Legal Services Corporation, said, "Most Americans don't realize that you can have your home taken away, your children taken away and you can be a victim of domestic violence but you have no constitutional right to a lawyer to protect you."

According to the World Justice Project, a nonprofit group promoting the rule of law that got its start through the American Bar Association, the United States ranks 66th out of 98 countries in access to and affordability of civil legal services.

"In most countries, equality before the law means equality between those of high and low income," remarked Earl Johnson Jr., a retired justice of the California Court of Appeal. "In this country for some reason we are concerned more with individuals versus government."

With law school graduates hurting for work, it may appear that there is a glut of lawyers. But many experts say that is a misunderstanding.

"We don't have an excess of lawyers," said Martin Guggenheim, a law professor at New York University. "What we have is a miserable fit. In many areas like family and housing law, there is simply no private bar to go to. You couldn't find a lawyer to help you even if you had the money because there isn't a dime to be made in those cases."

Even in situations where an individual is up against a state prosecutor and jail may result, not every jurisdiction provides lawyers to the defendants. In Georgia, those charged with failing to pay child support face a prosecutor and jail but are not supplied with a lawyer.

Mr. Presley lost his job in the recession and fell way behind on support payments for his four children. In 2011, he was jailed after a court proceeding without a lawyer in which he said he could not pay what he owed. He was brought back to court, shackled, every month or two. Each time, he said he still could not pay. Each time, he was sent back.

A year later, he contacted a public defender who handles only criminal cases but who sent his case to the Southern Center for Human Rights. Atteyah Hollie, a lawyer there, got him released that same day, helped him find work and set up a payment plan.

An important service lawyers can provide defendants like Mr. Presley is knowledge of what courts want—receipts of medical treatment, evidence of a job search, bank account statements. On their own, many people misstep when facing a judge.

In Adel, Ga., a town of 5,000, child support court meets monthly. On a recent morning, a dozen men in shackles and jail uniforms faced Chuck Reddick, a state prosecutor, on their second or third round in court.

"In most cases, they simply can't pay," said John P. Daughtrey, who was sheriff here until losing an election in November. "An attorney could explain to the judge why jail is not the solution and how to fix it. As a sheriff, I want criminals in my jail, not a debtor's prison."

Mr. Reddick and Judge Carson Dane Perkins of Cook County Superior Court in Adel both said they would welcome lawyers for defendants because it would make the process clearer and smoother.

"If we could extend the right to a lawyer to civil procedures where you face a loss of liberty, that would be good," Judge Perkins said. "Lawyers can get affidavits from employers and help make cases for those who can't pay."

The Southern Center for Human Rights has filed a class-action suit seeking a guarantee of a lawyer for such cases in Georgia. Sarah Geraghty, a lawyer there, said the center had received thousands of calls from Georgians facing child support hearings. Among them was Russell Davis, a Navy veteran with post-traumatic stress disorder who was jailed three times and lost his apartment and car while in jail.

Georgia also offers a case study on the mismatch between lawyers and clients at a time when each needs the other. According to the Legal Services Corporation, 70 percent of the state's lawyers are in the Atlanta area, while 70 percent of the poor live outside it. There are six counties without a lawyer and dozens with only two or three.

Mr. Bloss, who faced eviction in New Jersey, went to legal services, which won for him the right to stay in his apartment while his case is under appeal.

In Baltimore, where Mr. Hymes was accused of shining a laser at a police officer and assigned bail of \$75,000, first bail hearings do not include a lawyer. Tens of thousands are brought through Central Booking every year, facing a commissioner through a glass partition, who determines whether to release the detainee on his own recognizance or assign bail and at what level.

"For the poor, bail is a jail sentence," said Douglas L. Colbert, a law professor at the University of Maryland. A study he conducted on 4,000 bail cases of nonviolent offenders found that two and a half times as many detainees were released on their own recognizance and bail was set at a far more affordable level if a lawyer was at the hearing.

Mr. Hymes was relatively lucky. When he eventually faced a judge with the help of a public defender, bail was slashed to \$200 cash. It took his family a few weeks to pay. A student of Mr. Colbert's, Iten Naguib, acted as an intermediary.

"If there had been an attorney involved at the initial stages," Ms. Naguib said, "Mr. Hymes would likely have been released much earlier."

#### THE HOUSTON LIVESTOCK SHOW AND RODEO

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2013

Mr. POE of Texas. Mr. Speaker, when out-of-towners (especially those from up North) land in Houston in the month of March, the traditional Texas stereotype comes to life. Many Texans sport their Cowboy hats and boots year round, but even more so this month, because this is the time that we celebrate Texas history. March 2nd is Texas Independence Day and on March 6th, we remember the Alamo. March is also the month of the Houston Livestock Show and Rodeo. There is something special about all the pomp and circumstance that takes place on the streets of downtown Houston. It starts out with the trail

riders and parade through downtown Houston. This year was a little different than years past and did not take place on Texas Avenue, but to me the old route will always symbolize the rich history of the rodeo. Texas Avenue is wider than other streets downtown. This was to accommodate the early longhorn cattle drives coming into town headed to the rail station.

There's a long history behind the Houston rodeo. It started in 1931 when a handful of men had an idea to get together and have a "Fat Stock Show." Each year after, the show got a little bit bigger. While the show was originally held in the modest confines of the Sam Houston Coliseum, it has since had several distinguished homes. I remember the first year it moved to the "Eighth Wonder of the World," the Astrodome before finding home at Reliant Park, and when the king of country music, George Strait, thanked the Astrodome for hosting so many amazing years of Houston Rodeo by singing a "Cowboy Rides Away." It is amazing to think that in 1931, a few men just wanted to show off their livestock and help educate people about agriculture in Texas. Today, their simple idea has turned into the world's largest livestock exhibition, the world's largest regular-season rodeo, top musical performers, and one of Houston's most popular and profitable events. As a kid, I remember seeing Roy Rogers and Elvis at the Rodeo Spectacular.

The Houston Livestock Show provides an impressive economic boost. Last year, over 2 million people came to the Houston Rodeo. Aside from having a great time at the show, this pilgrimage to the rodeo draws people to our great city and boosts the Houston economy. The show alone brings in over \$320 million and create over 7,000 full time jobs. That is something to be proud of.

The Houston Rodeo's "founding fathers" in 1931 also wanted to establish a charitable event that provided for the educational and scientific advancement of Texas agriculture. They succeeded. Today, over its history, the Rodeo has given \$330 million to Texas' youth through scholarships, research, endowments, calf scramble participants, junior show exhibitors, school art participants and other educational youth programs. All the work behind the scenes is done by hundreds of volunteers.

A Texas-sized thank you to all of those who make the Houston Livestock Show and Rodeo what it is today. The Show is the world's largest livestock exhibition, world's largest barbecue cook-off, world's richest regular-season rodeo and the entertainment lineup is nothing to sneeze at either. This year, some music greats like Tim McGraw, Toby Keith and Dierks Bentley just to name a few, performed. Whether one is a volunteer, local Go Texan member, youth livestock participant, employee, organizer, sponsor or attendee—those contributions go well beyond the three weeks of the Rodeo. It's a Western celebration for us in Houston, Texas. It's almost like our Mardi Gras, just with boots and cowboy hats. The rodeo is truly something for everyone. After all, it's our cultural duty "to Rodeo Texas." For there is no place like Texas. And that's just the way it is.

## SUPPORT OF THE CONGRESSIONAL BLACK CAUCUS ALTERNATIVE BUDGET FOR FISCAL YEAR 2014

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2013

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the Congressional Black Caucus Alternative Budget for Fiscal Year 2014. As we debate the various budget proposals this week, the CBC has developed a budget that will reduce the deficit, continue to foster growth in our economy, and strengthen our Nation's safety net.

The CBC's budget would raise \$1 trillion in new revenue and avoid the drastic sequestration cuts that took effect March 1. In addition to raising new revenue, our budget protects and strengthens critical domestic programs: Social Security, Medicare, Medicaid, and SNAP. These are critical programs that the American people depend upon, and are slashed beyond recognition in the Ryan budget.

In addition, a key factor in creating jobs is the continued investment in our Nation's infrastructure. The CBC's budget invests in rebuilding our crumbling infrastructure, as well as in transit and workforce development programs. These investments are crucial to bolstering our economy and protecting working families.

These priorities stand in stark contrast to those in the Ryan Budget. The Ryan Budget fails to replace the drastic spending cuts, cuts which would cost 750,000 jobs a year. The Republican budget also transfers the burden of the discretionary sequester to non-defense programs, further gutting the funding needed to pursue innovation and research, and to staff our country's air traffic controllers and food safety inspectors. By slashing these critical investments, we jeopardize domestic economic growth and the wellbeing of American families.

Mr. Speaker, the American people spoke loudly in November concerning the fiscal policies we should pursue. The American people rejected the Ryan Budget, and the misplaced priorities of the GOP.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 19, 2013 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

MARCH 20

10 a.m.

Committee on Commerce, Science, and Transportation  
Subcommittee on Science and Space  
To hold hearings to examine assessing the risks, impacts, and solutions for space threats.

SR-253

Committee on Environment and Public Works

Business meeting to consider S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States.

SD-406

Committee on Finance

To hold hearings to examine reforming the delivery system, focusing on the Center for Medicare and Medicaid Innovation.

SD-215

Committee on Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled, "Animal Drug and Animal Generic Drug User Fee Reauthorization Act of 2013", and S. 330, to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).

SD-430

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine Hurricane Sandy, focusing on getting the recovery right and the value of mitigation.

SD-342

Committee on Veterans' Affairs

To hold hearings to examine Veterans Affairs mental health care, focusing on ensuring timely access to high-quality care.

SR-418

10:30 a.m.

Committee on the Judiciary

To hold hearings to examine the future of drones in America, focusing on law enforcement and privacy considerations.

SD-226

2 p.m.

Committee on the Judiciary

To hold hearings to examine building an immigration system worthy of American values.

SD-226

2:15 p.m.

Committee on Foreign Relations

To hold hearings to examine counterterrorism policies and priorities, focusing on addressing the evolving threat.

SD-419

2:30 p.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine aviation safety, focusing on the Federal Aviation Administration's (FAA) progress on key safety initiatives.

SR-253

MARCH 21

10 a.m.

Committee on Energy and Natural Resources

Business meeting to consider the nomination of Sarah Jewell, of Washington, to be Secretary of the Interior.

SD-366