

From the Just-Us Files

By Jerry Cox

Jerry J. Cox is a member of the board of directors of the National Association of Criminal Defense Lawyers, a past president of the Kentucky Association of Criminal Defense Lawyers and a partner of the law firm of Cox & Cox, Mt. Vernon, Ky.

Promise of landmark case remains unrealized

Forty years ago, on March 18, 1963, the U.S. Supreme Court decided the landmark case of Gideon v. Wainwright and announced a principle we all take for granted: that everyone who is accused of a crime is entitled to be represented by a lawyer, even if the accused is too poor to hire one.

No one can seriously question that a fair trial cannot be possible unless a competent lawyer is provided to those who cannot afford one. As the justices said, this "seems an obvious truth." However, decades later, Gideon's promise remains largely unmet as we still find that the quality of justice frequently depends on the ability to pay for it.

Far too often, those who are unable to afford counsel are left to meet their lawyer for the first time on the eve of an important court proceeding, or even trial. Many are faced with the prospect of being unable to spend more than a few minutes with their court-appointed lawyer, contract lawyer or public defender, to give the lawyer sufficient opportunity to learn about the case.

This leads to even less time for preparation of legal strategy, and still less to perform critical investigations. Small wonder we read about and hear stories with growing frequency about innocent people wrongly convicted.

The poor are often saddled with contract lawyers or public defenders with huge caseloads, who, many times, are paid less to defend someone who might spend the rest of his or her life in jail than for a basic closing for the sale of a home.

Or, they might live in a judicial circuit that picks lawyers not for the quality of their service, based upon experience or training, but by whether the lawyer submitted the lowest bid - in other words, justice for the cheap but with a far greater sting-territory.

Those unable to afford counsel might end up convicted, or even sentenced to death, for crimes they didn't commit simply because the lawyer didn't have the critical lab test, or the investigator, or the train-

ing to appropriately challenge the prosecution's case. A recent national study determined that inadequate legal representation was one of the main causes of wrongful convictions in death penalty cases.

While we hear the horror stories of sleeping lawyers, court attention has been given to the major underlying cause of inadequate representation: lack of resources.

Ninety percent of Americans questioned in a recent poll said that the quality of justice people receive should not be determined by the amount of money they have. That poll also found that Americans want lawyers defending the poor to have salaries, resources and workloads equivalent to those of prosecutors. They want national quality standards for the defense of the poor, much like standards for doctors, architects or teachers.

Americans can no more imagine, expecting competence from a criminal defense lawyer without the necessary tools, like investigators, DNA testing and expert witnesses, than from a brain surgeon without anesthesia or a scapel. This decision in Gideon v. Wainwright was a clarion call for justice that sounded 40 years ago. The continuing consistent corrosion of our justice system today calls out for action for reform and improvement.

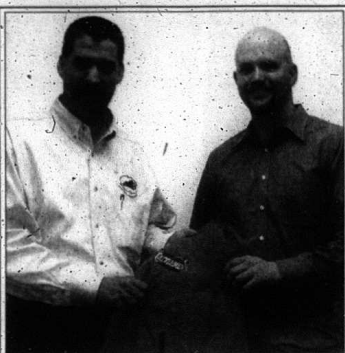
The keys to reforming the system for effective representation for those unable to afford lawyers are simple and basic - things like proper training, resources proportionate to those for the prosecution, adequate payment for lawyers providing services, manageable caseloads and a guarantee of independence so that politicians or judges are unable to arbitrarily reduce lawyers' pay or force them simply because they are effectively doing their jobs.

To do this will require spending more money, something that is never politically popular. However, failing to take the necessary steps will only further erode public confidence in a system that treats the wealthy and poor differently and can tragically contribute to wrongful convictions.

Gideon created the promise that all Americans would realize the grand words carved in stone on the Supreme Court building:

Equal Justice under the Law.

Today, we are still struggling along the road toward equality. We cannot afford to wait another 40 years to get there. We can do better now. The time has come to invest in justice for all.



Doug Smith, right, president of the Rockcastle Cattlemen's Association, received the membership award jacket at the Kentucky Beef Association meeting this year. John Stevenson, Kentucky Beef Cattle Association staff associate, recognized Doug and the Rockcastle Cattlemen's Association supports state activities as well as local programs such as the Phase I Genetic Improvement, Forage Improvement, and Cattle Handling Facilities programs.

Tips to Send Packages to Military Personnel Overseas

By Hazel Jackson
County Extension Agent for
Family and Consumer Sciences

Do you know any servicemen or women who have been sent overseas? If so, you might want to send them a package filled with goodies as a reminder of home. When choosing the items for your package, remember to follow proper food handling and food safety practices.

Avoid highly perishable items such as meats or cheeses. Also pass up high-moisture baked goods due to possible mold growth. Pack fragile home-baked cookies in rigid containers to keep them from arriving in crumbs after a long trip across the sea. Commercially packaged baked goods will hold up better than homemade ones since they are packaged for shipment.

Good choices include, hard candies, angel food cake, and deer and beef jerky. Raisins, apricots and other dried fruits, canned nuts and fruit, and commercially prepared trail mix also are recommended. If you want to send meat, select canned items like tuna, chicken, and franks and beans.

Remember many locations where military personnel are deployed are very hot and packages containing chocolate, chocolate chips and other items that melt are not a good idea.

Other items you might include in your packages are all-occasion or blank greeting cards, writing paper, envelopes, pens, toiletry items, batteries, small board games, puzzles, playing cards, paperback books, magazines and puzzle books.

Videos, music compact disks and cassettes are also appreciated, but you need to put "Do not x-ray" magnetic recorded tape enclosed on the outside of packages containing these.

Use the local newspaper to wrap up the contents of your package since people serving in the military love to read about what is going on at home. Because there is no way to dispose of them, do not use Styrofoam peanuts - as packing material.

Mailing tips include clearly addressing your package with a permanent ink pen. Do not use wrapping paper and string on the outside of the package since both may come apart during shipping. Include the address on a card inside the package so it can reach its destination if the address outside becomes unreadable. Due to security concerns, a package addressed to "any soldier" or "any sailor" is no longer accepted.

Know that any packages you send will be greatly appreciated. Packages create a lot of excitement when they arrive, so be sure to pack a little extra to share.

For further information contact the Rockcastle Cooperative Extension Service.

Educational programs of the Kentucky Cooperative Extension Service serve all people regardless of race, color, age, sex, religion, disability or national origin.

Grass tetany during early grazing

By Tom Mills
County Extension Agent for Agriculture/Natural Resources

Adult beef cows nursing young calves while grazing grass or small grain pastures in late winter or early spring, are especially susceptible to an extremely acute disorder known as grass tetany. Affected cattle can die suddenly and in fact are frequently found dead before the disorder is discovered.

Although in some seasons Kentucky farmers experience losses due to grass tetany from November to May, cows are more susceptible in the late winter and early spring when they graze heavily on the new growth of grass and relapse often feed offered to them. Each loss is especially damaging, because it is invariably a big, sleek cow with a healthy young calf that dies.

Grass tetany is a result of a magnesium deficiency in the cow. Weather and soil fertility seem to be factors. Grass tetany occurs when soil temperature is between 40-60 degrees and often during changeable weather. High levels of nitrogen, potassium and moisture in the soil increase the incidence, because they apparently decrease the level of magnesium found in plants naturally.

Symptoms of the disorder usually begin with nervousness and then progress to a stilted gait, staggering,

convulsions, coma and death. It always requires immediate veterinary treatment.

About 2/3 of the cows treated intravenously with magnesium and calcium compounds recover. However, to prevent relapses, treated cows should be removed from the pasture. They should be fed hay and grain plus 2 ounces of magnesium oxide daily for at least a week.

Because animals do not store up magnesium, their dietary requirements have to be supplied on a day-to-day basis. The only way to prevent grass tetany is to supplement the diet with additional magnesium. This can be done with commercial

mineral mixes containing magnesium or with homemade mixtures. Mixing 1 part magnesium oxide, 1 part trace mineral salt and 1 part diesel grain, will do fine if it is the cattle's only source of salt.

For more information on grass tetany, call the Extension office at 256-2403.

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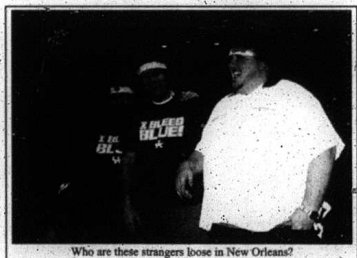


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