

PUBLIC DEFENDERS FOR BUSH

Legal Aid Service Designed to Cover All Rural Alaska

By TIM BRADNER

A new kind of Public Defender is coming to Alaska.

Initiated by the statewide Community Action Program and paid for by war-on-poverty funds, a legal aid program that will give help to the poor in Alaska from criminal through civil law may be on the way.

The plan is designed for "all inhabitants of Alaska unable to secure private legal services," according to the application submitted to the Office of Economic Opportunity, "and will service primarily rural Eskimo and Indian peoples."

"Most of the Indian and Eskimo people of Alaska live in pockets of grinding poverty, widely dispersed in urban areas and villages of this huge state. Living barely at the subsistence level, they have known only the law's abuse."

"This project is designed

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to help them redeem their birthright."

The CAP fund request will finance a one-year program. Each additional year will be re-funded from the federal Office of Economic Opportunity. Estimated costs for the first year of operation run to \$362,422.

Alaska will be served by full-time attorneys operating out of offices in Fairbanks, Anchorage and Juneau. Nome may also have an office and Bethel has been cited as a possible center.

According to the plan, the Juneau and Ketchikan offices will be staffed with one full-time attorney each. Fairbanks will have two full-time lawyers and Anchorage four.

One of the Fairbanks attorneys and two from the Anchorage office will be "riding circuit" through the bush areas of the state virtually at all times.

"Physically traveling out to outlying areas is going to be the only way to effectively administer the program," David Call, former U.S. Attorney and now a private attorney in Fairbanks told the Tundra Times.

"These people haven't the financial resources to travel from their villages to the cities. To help them, the lawyers are going to have to go out into the villages themselves."

Call was one of four representatives of the Alaska Bar Association that met in Juneau last June 24 and 25 to suggest changes in the application submitted to the OEO.

Also at the Juneau meeting were attorneys Robert

Holland and Herbert Soll of Anchorage.

The program, although drawn up and submitted by the state's Community Action Group, will be administered by a separate corporation called Alaska Legal Services, Inc.

One of the main areas in which the new, full-time "Public Defenders" would work is in the realm of civil litigation, lawsuits and other civil proceedings now beyond the average rural villager because of high legal fees.

One of the most critical areas where legal help is needed, Call said, was in straightening out the mass of child adoptions that take place each year in rural villages without legal formalities.

Child-adoption procedures are complicated and many city-dwelling couples hire an attorney to help with red tape. These services are beyond the reach of ordinary villagers who adopt children from other families.

The real problem with unofficial adoptions, Call said, was that in the eyes of the government, the child still didn't belong to a family even if the child had been under care of the family for years.

Many in poverty-stricken rural areas live on welfare, often supporting large families on welfare authorized for the small number of legal children a couple may have.

If the adoption procedures were carried out the family could qualify for additional welfare to help meet the cost of additional children.

In Juneau, Call said, a Deputy Magistrate in the courts there conducted a survey and found that in 20 Alaska bush villages, there had been 300 unofficial adoptions between families.

Besides straightening out the adoption confusion now rampant in rural areas, the Public Defender program would provide legal services in property disputes and perhaps in the growing aboriginal land claim problem in the

state.

Already over 60% of the state's total land area is under aboriginal claim, and no settlement is in sight.

Although the plan would help in criminal cases besides civil work, it can not duplicate court-appointed attorney services that are now available to poor people in trouble with the law.

In major felony cases, according to Douglas Baily, Assistant District Attorney in Fairbanks, the court can appoint a local attorney to represent a defendant and the state of Alaska will pick up the legal costs.

Baily said court-appointed legal counsels get about \$50 a day for their time.

There are no provisions now, though, for representing the poor in smaller District Court misdemeanor cases. The need for help here is critical, Baily said, because of the large amount of cases and the fact that a poor man unacquainted with legal procedures cannot do an adequate job of representing himself in court hearings and trials.

In Fairbanks, District Judge Hugh Connelly said that at times, in felony cases before they reach Superior Court and selected misdemeanor cases, the lower court judges have appointed counsel from among local attorneys, but the representation is unofficial and without pay.

Connelly said Fairbanks attorneys have been "very gracious" in extending their time and effort without pay to help the poor in trouble.

Under the OEO-funded public defender program, legal services could be provided in the District Court level and even before that, before actual arraignment in court.

Under a recent U.S. Supreme Court ruling, a man in trouble is entitled to legal aid the minute he is picked up by police. He need not answer police questions without his attorney present if he does not wish to do so.

The new public defenders could go to work right at the police-station level.