



‘Gideon’s’ Promise Unfulfilled

BY LEONARD PITTS JR.
Tribune Media Services

“Make me wanna holler, way they do my life.” — Marvin Gaye, “Inner City Blues”
Karen Houppert has written a book of nightmares.

Houppert, a veteran reporter for, among others, *The Washington Post* and *The New York Times*, is the author of “Chasing Gideon: the Elusive Quest for Poor People’s Justice,” which comes out this week coincident with the anniversary of a legal milestone. It was 50 years ago Monday that the case of Gideon v. Wainwright was decided.

Clarence Earl Gideon, 51, was arrested in Panama City, Fla., in 1961 for burglary. When his case came to trial, Gideon, who was indigent, asked the court to provide him an attorney. The court refused and Gideon, a four-time loser and eighth-grade dropout, had to represent himself. He was found guilty and given five years.

But though he was no scholar, Gideon knew something was wrong with this picture. He wrote a letter — in pencil and with a dropout’s creative spelling and grammar — to the Supreme Court, which agreed to hear the case and appointed counsel to represent him. The decision it handed down affirmed the Sixth Amendment promise that every criminal defendant — even an indigent one — shall have “the Assistance of Counsel for his defense.”

It is a right we take for granted now, part of the boilerplate every TV cop rattles off to every suspect. “If you desire and cannot afford an attorney ...” and etcetera. It is hard to imagine that such was not always the case. Perhaps you’re grateful to live in a country where even the humble poor are ensured of quality representation when they stand before the bar of justice.

Except that you don’t. Hence, the nightmare.
It turns out there is a gulf between the 1963 promise and the 2013 reality. It turns out one lawyer can be expected to try 400, 500, 600 cases a year. It turns out public defenders are so underfunded and overwhelmed it is not uncommon for a defendant to meet his attorney for the first time in



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court. It turns out the situation is so dire that in at least one jurisdiction a judge pressed tax attorneys and property lawyers into service in criminal court. It turns out poor people’s justice is to justice as monkey business is to business.
Ask Clarence Jones, who spent over a year in prison just waiting for an attorney — and was still there as the book went to press — on a charge of burglary.

Ask Carol Dee Huneke, a novice lawyer with no experience in criminal law who was hired as a public defender on a Thursday and assigned a case that began Monday. She had never even seen a trial before.

And ask Greg Bright, who spent 27 years in prison on a murder charge he might have easily beaten, writes Houppert, had his court-appointed attorney done even minimal investigation on his behalf. As a later attorney discovered, the single witness the state’s case hinged upon was a mentally-ill heroin addict with a history of hallucinations who physically could not have seen what she claimed she did.

Twenty-seven years. “Make me wanna holler,” indeed.

What is reflected here is not simply incompetence but disdain, contempt for the rights, lives and humanity of the less fortunate. And perhaps your instinct is to look away, secure in the naive delusion that no one gets arrested unless they’ve “done something.” Truth is, it happens every day.

Taken alongside the failed War on Drugs that has devastated African America, this treatment of indigent defendants depicts a “justice” system that too often produces the exact opposite of what its name suggests, particularly for its most vulnerable constituents. That’s a sad state of affairs 50 years after what was once considered a milestone triumph for the poor.

And it should — we should — send a clear and unambiguous message to lawmakers. The system is broken. Fix it.

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A Fertile History Lesson To Share

BY VINCE TWO EAGLES

Hau Mitakuepi (Greetings My Relatives),
This time of year always stimulates much conversation about planting crops, whether on a commercial scale or personal gardens. A generation or so ago everyone planted and tended gardens. Today, not so much. However, I noticed of late that there is a gradual resurgence of discussion about gardening and it seems a few more gardens appear around the Rez. Part of any discussion about planting is the use of fertilizers.

I know it must seem a little strange for me to be bringing up this subject but again my old friends Keoke and Porterfield, co-authors of, “American Indian Contributions to the World,” tell a compelling tale about pre-European use of fertilizer by indigenous people of the western hemisphere and its impact on modern agriculture. I wanted to share with my readers who know full well by now that Indian people had it going on with life here on Turtle Island long before the arrival of European. This is just one small area of technological knowledge our people had already discovered and was being utilized.

Fertilizer is organic matter added to the soil to enrich it, thus producing more abundant crop yields or healthier plants. Indigenous people in the Americas had been using a variety of fertilizers for thousands of years before European contact. The MILPA, or slash and burn, system of farming that had been practiced from the beginning of agriculture in South, Meso-, and North America added nutrients to the soil. Through experimentation over the years, various tribes developed other fertilizers.

By 3000 B.C. in what is now Peru, indigenous people were cultivating many types of crops. They fertilized these with llama dung, anchovy heads, and guano, or bird droppings, from coastal islands. Mountains of these droppings had been deposited on certain coastal areas over the centuries. The Inca, whose empire was established in about 1000 A.D., regarded guano as a valuable resource. Believing it should be shared by all, they divided the deposits into districts, marking each area and allotting them to specific groups of farmers.

When the Spaniards arrived, they exploited the fertilizer deposits, selling them commercially. By the 1700s they were shipping guano throughout the world. In the 1800s the guano deposits had reached a depth of about 100 feet, but between 1840 and 1860 Peru exported an estimated 11 million tons of the fertilizer. Spurred by farmers, the U.S. government had plans to seize two of the guano islands from Peru, but the U.S. Civil War broke out before the ac-



Vince TWO EAGLES

tion could be carried out. Guano fertilizer from Peru was marketed in Europe. This import is credited with beginning modern agriculture in that area of the world. Interest in the nitrogen-rich guano spurred experiments to develop artificial fertilizers. Today, dried anchovy heads are still being sold for fishmeal fertilizer, a major Peruvian export.

In about 1100 A.D., Aztec farmers in the Xochimilco-Chalco Basin of Mexico fertilized the raised fields they had created on swampland with compost made from aquatic plants. They also improved soil quality with muck from surrounding canals.

In the Eastern Woodlands of North America, Patuxet Indian, Squanto is famous for sharing the technique of using fish fertilizer with the Pilgrims, who established the Massachusetts Bay Colony in 1620. He had recently returned from captivity in Europe, where he had learned to speak English. In the spring of 1621, he taught the Pilgrims to plant corn, a grain they had never seen before, and to fertilize it with fish. The earliest Europeans on this continent were aware that fertilizer helped crops to grow, but Old World farmers relied on manure from domesticated animals, primarily cattle. Unfamiliar with the new soil and lacking herds of cattle, the colonists were at a loss about how to farm in their new environment.

Menhaden, the fish that Squanto used, were not eaten by the indigenous people who lived in the area. In fact, the name they had given this fish, munnoquohatean or munnawhatteauq, meant “that which enriches the soil.” The colonists quickly adopted the use of fish fertilizer, spelling it “munnawhatteang,” a word that appears in written accounts as early as 1643. Fishmeal is still used extensively for fertilizer today.

North American Indian farmers viewed the European use of animal dung to boost soil nutrients with disgust. When U.S. government Indian agents insisted they use it on their gardens in the 1800s, many refused to comply with what they believed was a barbaric custom.

Buffalo Bird Woman, a Hidatsa who lived on the Missouri River in what is now North Dakota, was interviewed by ethnologist Gordon Wilson at the start of the 20th century. She revealed that her people did not use dung, because not only did it contain worms, it also spread weeds. “I do not know that the worms in the manure did any harm to our gardens, but because we thought it bred worms and weeds, we did not like any dung on our garden lands; and we therefore removed it.”

And now you know the rez of the story.
Doksha ...

For example, some towns have used Wind, Inc., to establish wind farms so that everyone has cheaper electricity. Seniors could be given free electricity, since they live on fixed incomes, while the rest of us pay lesser amounts. A successful wind farm could generate a profit to be used to reduce taxes.

Conversely, a project such as a huge indoor baseball field would only help a minority interested in sports. It would raise our taxes and would be a long-term money drain. We really don’t want to compete with other towns over the size of a our ball field.

Do you believe that Highway 81 should start to look like 41st street in Sioux Falls or that we should have more casinos, rent-to-own joints and quickie loan dealers? Of course we don’t. We like a nice quiet town with low taxes and no problems. We know we’ll have to make some changes, but we’d like to keep the important things as they are.

The mayor asked for your advice. Let her know how you feel.

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OPINION | OUR VIEW

What Lessons Do We Take From Iraq?

The 10th anniversary of the start of the Iraq War should and must provoke considerable national introspection — not to mention retrospection — about the nature of this conflict, its cost and its ramifications.

While the first two are important, the latter is particularly vital when pondering the short-term future of foreign policy and this nation’s willingness to commit to international military participation.

Historically, nations tend to prepare themselves to fight the last war as opposed to the next one. (This probably explains why the Cold War mindset still hangs on with some people even while trying to wage an unconventional war against unconventional enemies.) This was the path the U.S. pursued in the 1930s, which prepared this nation to fight (or, more accurately, attempt to avoid) World War I but did little to brace it for World War II.

Following the Vietnam War, a conflict that has continually through the years been described as a quagmire, a new strategy was unveiled during the 1991 Persian Gulf War. The so-called Powell Doctrine, named after Gen. Colin Powell, dictated the means by which U.S. military action would be initiated. Derived from the Weinberger Doctrine, created by Secretary of Defense Caspar Weinberg in the 1980s, the Powell Doctrine established several criteria for committing such forces, and included the exhaustive use of diplomatic and economic tools to achieve a solution before military forces are engaged. Perhaps coincidentally in 1991, the doctrine also included the use of overwhelming technological force to break down the enemy before ground troops would move in, should military use be needed.

In 1991, this worked well, although it did leave behind the seeds for future headaches. Nevertheless, the Powell Doctrine was held up as a template for guiding foreign interventions.

Obviously, that changed in 2001. We deployed what was labeled the Bush Doctrine, which gave the U.S. the right to act aggressively against nations that harbor or give aid to terrorist groups. This guided us, with aching justification, into the Afghanistan conflict.

But then came Iraq, which leads us to a discussion, which we won’t delve into here, of why we were there in the first place and for nine years.

How will the Iraq War be remembered? That’s a compelling question, for the answer may dictate how our nation acts and reacts in the future.

That answer at this point is vague. Libya would suggest that we are moving toward a policy of using force through international coalitions, with the U.S. not necessarily taking the lead. But that’s only one example, and it’s an approach whose flaws would eventually become evident.

The real question is, how will we treat the memory of Iraq when facing our next international crisis? If we see Iraq as a messy but justifiable campaign, we may resort to that tactic again in due time. If we treat it as a mistake (for whatever reasons), we may think twice about moving into another conflict so aggressively. Both approaches have pitfalls as well as advantages — and there really isn’t much room for compromise between the two.

Ten years after we went into Iraq, that’s the question that stands before us. And it may demand a lot of soul searching to come up with a serviceable answer.

kmh

ONLINE OPINION

The results of the most recent Internet poll on the *Press & Dakotan’s* Web site are as follows:

LATEST RESULTS:

Do you believe going to war in Iraq was a mistake?
Yes65%
No29%
Not sure6%
TOTAL VOTES CAST561
The Press & Dakotan Internet poll is not a scientific survey and reflects the opinions only of those who choose to participate. The results should not be construed as an accurate representation or scientific measurement of public opinion.

CURRENT QUESTION:

Should South Dakota get rid of the death penalty?

To vote in the *Press & Dakotan’s* Internet poll, log on to our website at www.yankton.net.

TODAY IN HISTORY

By The Associated Press

Today is Tuesday, March 19, the 78th day of 2013. There are 287 days left in the year.

Today’s Highlight in History: On March 19, 2003, President George W. Bush ordered the start of war against Iraq. (Because of the time difference, it was early March 20 in Iraq.)

On this date: In 1687, French explorer Rene-Robert Caveller, Sieur de La Salle — the first European to navigate the length of the Mississippi River — was murdered by mutineers in present-day Texas.

In 1863, the Confederate cruiser Georgianna, on its maiden voyage, was scuttled off Charleston, S.C., to prevent it from falling into Union hands.

In 1918, Congress approved Daylight-Saving Time.

In 1920, the Senate rejected, for a second time, the Treaty of Versailles by a vote of 49 in favor, 35 against, falling short of the two-thirds majority needed for approval.

In 1931, Nevada Gov. Fred B. Balzar signed a measure legalizing casino gambling.

In 1943, gangster Frank Nitti, leader of Al Capone’s Chicago Outfit, shot himself to death in a railroad yard.

In 1945, 724 people were killed when a Japanese dive bomber attacked the carrier USS Franklin off Japan; the ship, however, was saved. Adolf Hitler issued his so-called “Nero Decree,” ordering the destruction of German facilities that could fall into Allied hands.

In 1953, the Academy Awards ceremony was televised for the first time; “The Greatest Show on Earth” was named best picture of 1952.

In 1962, Bob Dylan’s first album, titled “Bob Dylan,” was released by Columbia Records.

In 1965, the wreck of the Confederate cruiser Georgianna was discovered by E. Lee Spence, 102 years to the day after it had been scuttled.

In 1979, the U.S. House of Representatives began televising its day-to-day business.

In 1993, Supreme Court Justice Byron R. White announced plans to retire. (White’s departure paved the way for Ruth Bader Ginsburg to become the court’s second female justice.)

Ten years ago: Tobacco farmer Dwight Ware Watson, who claimed to be carrying bombs in a tractor and trailer that he’d

driven into a pond on Washington’s National Mall, surrendered after disrupting traffic for two days; there were no explosives. Six men hijacked a Cuban airliner to the Florida Keys to seek asylum in the United States. (The six were later convicted of federal hijacking charges.) Mahmoud Abbas accepted the position of Palestinian prime minister.

Five years ago: Five years after launching the invasion of Iraq, President George W. Bush strongly signaled he wouldn’t order troop withdrawals beyond those already planned because he refused to “jeopardize the hard-fought gains” of the past year. In a new audio message, Osama bin Laden criticized the publication of drawings insulting to the Prophet Muhammad and warned Europeans of a strong reaction to come. Death claimed science fiction writer Arthur C. Clarke at age 90 and actor Paul Scofield at age 86.

One year ago: A motorbike assailant opened fire with two handguns in front of a Jewish school in the southern French city of Toulouse, killing a rabbi, his two young sons and a girl. (The gunman, French-born Mohammed Merah, was killed in a gunfight with police after a 32-hour standoff at his apartment; he had also killed three French paratroopers.) The federal Justice Department announced it had begun an investigation into the fatal shooting death of 17-year-old Trayvon Martin in Florida by a neighborhood watch captain, George Zimmerman.

Today’s Birthdays: Former White House national security adviser Brent Scowcroft is 88. Theologian Hans Kung is 85. Jazz musician Ornette Coleman is 83. Author Philip Roth is 80. Actress Renee Taylor is 80. Actress-singer Phyllis Newman is 80. Actress Ursula Andress is 77. Singer Clarence “Frogman” Henry is 76. Singer Ruth Pointer (The Pointer Sisters) is 67. Actress Glenn Close is 66. Film producer Harvey Weinstein is 61. Actor Bruce Willis is 58. Playwright Neil LaBute is 50. Actor Connor Trinneer is 44. Rock musician Geri Bettens (K’s Choice) is 43. Rapper Bun B is 40. Rock musician Zach Lind (Jimmy Eat World) is 37. Actress Abby Brammell is 34. Actor Craig Lamar T aylor is 24. Actor Philip Bolden is 18.

Thought for Today: “One friend in a lifetime is much; two are many; three are hardly possible.” — Henry Brooks Adams, American historian and author (1838-1918).

FROM THE BIBLE

Though your sins are like scarlet, they shall be as white as snow; though they are red like crimson, they shall become like wool. Isaiah 1:18. Portals of Prayer, Concordia Publishing House, St. Louis

YOUR LETTERS

City Feedback

John Magnuson, Yankton

Yankton’s mayor wrote a column (*Press & Dakotan*, March 7) asking questions about our ideas on growth to be emailed to mayor@cityofyankton.org. Please drop her a note real soon.

You might consider, however, that growth for its own sake is of little benefit and doesn’t improve quality of life.

For example, if Yankton increases its population to 20,000 by bringing in low-paying new businesses, the original 14,000 probably wouldn’t be any better off and would have more traffic and other problems with which to contend. Manufacturing often is cyclical and lays people off when slow. This causes a drain on public services and doesn’t help our quality of life.

The city’s growth should play into the inherent strengths of this community, which in part includes our water recreation, medical facilities, college, our large retirement community, low cost of living and the farming community. New projects should benefit all of us, not just some.

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