

Legal services, down and nearly out

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CHAPEL HILL Having ended the year by giving \$858 billion in tax cuts to the wealthiest Americans, the U.S. House of Representatives has now set enthusiastically to the task of making poor people pay for it. The Republican leadership proposed, early this month, a draconian \$75 million cut (18 percent) in the \$420 million annual budget of the Legal Services Corporation.

The LSC sends 94 percent of its funding to over 900 offices across the country providing essential legal services to the 57 million Americans living below 125 percent of the poverty threshold (about \$22,000 for a family of four). With demand for legal assistance skyrocketing under lingering recession, the leadership proposal would require massive staff layoffs in North Carolina and all over the nation.

Unsatisfied with this apparently too modest level of pain, a South Carolina congressman introduced a bill to entirely eliminate federal funding for legal services - zeroing out the LSC budget. With over 80 percent of the legal need of the poor already unmet, the goal, one surmises, was to move the American commitment to "equal justice under law" from merely hypocritical to barbaric. The measure failed, after debate, garnering 171 votes.

Every Republican member of the North Carolina delegation, except Virginia Foxx, voted to end legal services. For Howard Coble, Renee Ellmers, Walter Jones, Patrick McHenry and Sue Myrick, no aid to the one-third of North Carolina families qualifying for legal services was more than enough.

Let me try to put those votes into perspective. Though we have claimed for a half-century, as linchpin of our system of adjudication, that "there can be no justice where the kind of trial a person gets depends upon the amount of money he has," what we do has little in common with what we say.

Poor and near poor Americans are effectively priced out of the civil justice system. As studies have demonstrated for decades, in North Carolina and nationally, we leave millions unrepresented on some of the most crushing issues of life - domestic violence, child custody, housing, employment, education, health care, sustenance, vital benefits and the like.

Since the 1970s, on the other hand, the European Court of Human Rights has recognized a right to counsel in civil cases. In decisions that apply to over 40 countries and 400 million people, member nations are required to provide counsel to poor litigants to achieve a fair hearing.

We boast of having a justice system that is the envy of the world. If we sought membership in the EU, they'd say we don't measure up because we treat poor people so miserably.

The World Justice Project recently completed a massive international study funded by the Gates Foundation. The newly assembled data "measured adherence to the rule of law by looking not at the laws as written ... but as actually applied in practice." The report divided nations into categories based on wealth and region. The United States, richest by far, came in last of the "wealthy" nations in "actual access to justice."

Not only did places like Canada, France, Britain, Australia, Sweden, Spain, Austria and the Netherlands eat our lunch; South Korea and Japan left us in the dust as well. We talk the most about equal justice, but we do the least.

But coming in last, for the North Carolina Republican delegation, apparently isn't harsh enough. It is vital now to abolish, unlike every other advanced democracy, all legal assistance for the impoverished. We may claim a founding commitment to equal justice under law, but if a third of us are priced out of the system, tough. They should have thought of that before they went broke.

It is powerfully ironic that the new Congress began its deliberations by reading the Constitution. They must not have dwelled long on the preamble's goals to "establish justice" and "secure the blessings of liberty." Nor must the 14th Amendment's demand for "equal protection of the laws" have given much pause. An earlier generation, of course, amended the Pledge of Allegiance to insert the phrase "under God." Perhaps our North Carolina colleagues will now move to strike the words "with liberty and justice for all."

I'm almost inclined to think that Coble, Ellmers, Jones, McHenry and Myrick see their votes, and their actions, as odd declarations of fealty, of tribalism - saying, in effect, "see which side I'm on, I'll be tougher on poor folks than anyone. Just watch." But, sadly, their work is not a joke. When Tar Heels lose their jobs, or their houses, or their kids or their benefits - it's as real as real can be. Representatives who disregard that so carelessly ought to find another line of work.

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