

Getty & Presley: Public Defender

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PUBLIC DEFENDER by GERALD W. GETTY and JAMES PRESLEY. New York: Grosset & Dunlap. 1974. Pp. 376. \$9.95 cloth.

*Robert G. Weclaw**

Gerald W. Getty, head of the Cook County, Illinois, Public Defender's Office from 1954 to 1972, following almost twelve years as an assistant public defender, relates his experiences as attorney for the indigent, the despised, the friendless, and the damned, to James Presley, a talented writer, in this all too short work. Getty personally engaged in over 1000 bench trials and in over 400 jury cases ranging from prosaic misdemeanors to the horrific Richard Speck case where eight student nurses were killed. He personally argued cases before the Illinois Appellate, the Illinois Supreme, and the United States Supreme Courts with more than his fair share of success.

He was administrator, trial lawyer, investigator, trainer of future successful trial lawyers and judges, brief writer, researcher, and friend of the friendless. He was vilified and threatened because he defended the criminally accused who had nowhere else to turn. They seldom knew how to give him a simple word of thanks (Richard Speck was one of the few who indicated any appreciation for efforts on his behalf).

His office always operated on a budget well under its needs. It has always been more popular and expedient to put money into police work and prosecution than to appropriate funds for the defense and investigation needed by society's outcasts. Getty believes that giving the accused a defense equal to the state's prosecution is genuinely part of the democratic process since:

The Sixth Amendment of the United States Constitution stipulates: "In all criminal prosecutions, the accused shall have the right . . . to have the assistance of counsel for his defense." If the poorest man in the country, charged with the most heinous, repulsive crime, does not have legal counsel to insure the safeguarding of all his constitutional rights, then the rights of all of us are in jeopardy. The defense is as integral a part of law enforcement as the police, the prosecution, and the courts. We need them all in a democratic society. And the poor deserve the same constitutional guarantees as the rich.¹

Getty tells us of his failures and successes, as well as the near hits and the near misses, with compassion, understanding, tolerance, and insight into the legal, psychological, economic, and sociological problems that bedevil the poor in virtually every community. The Cook County Pub-

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1. G. GETTY & J. PRESLEY, *PUBLIC DEFENDER 2* (1974).

lic Defender's Office did a commendable job in spite of its limited resources, according to one study:

A 1971 comparison of public defender and private counsel dispositions in Cook County told much of the story. The public defender had 27 per cent of all jury trials and won not guilty verdicts in 45 per cent of them; private counsel had 73 per cent of all jury trials and won not guilty verdicts in only 20 per cent. As for bench trials, the public defender had 55 per cent of them and won not guilty verdicts in 67 per cent; private counsel had 45 per cent and won not guilty verdicts in 30 per cent.²

The book has something for everyone. Chapters such as "Execution, Gangland Style," "Murder, Murder, Murder," "The Strangled Child," and "Richard Speck and the Eight Strangled Nurses," appeal to the general public as much as sensational headlines in the daily press. Chapters entitled "Defense of the Despised," and "3,100 New Clients" (those arrested during the 1968 Chicago riots, which followed the assassination of Dr. Martin Luther King, Jr.) appeal to the civil libertarian. Chapters on "Judging a Jury," "Making a Deal," "Protecting a State's Witness," "Making Law in the Higher Courts," and "The Defender Rests" have somewhat universal appeal but are of particular interest to the general practitioner, the trial lawyer, the assistant state's attorney, and the assistant public defender. These chapters give an insight as to how the adversary criminal system works without being too technical for the layman.

The book as a whole makes interesting reading for the layman and interesting and informative reading for the lawyer. It is a "must" for beginning trial lawyers. However, a goodly number of one and two page accounts of episodes from various trials and investigative incidents, intended as illustrative vignettes, do not come across as interesting or informative. Getty, in his long and distinguished career, has probed the depths and is at his best when he shows us how he has gotten fully involved in a case. His 118 page chapter on "Richard Speck and the Slaughtered Nurses" is worth considerably more than all of the one and two page accounts combined. In the "Speck" chapter we are treated to horror, sensationalism, newspaper publicity, an almost impossible case to defend, the importance of painstaking investigation, the psychology and mentality of the defendant, identification, cross-examination, the novel situation in which one person faced eight murder charges simultaneously, how a jury is picked, and the events following verdict. This case Getty did not win, but here he operated in the finest tradition with his intensity, perseverance, and ability, giving his all in defense of an indigent derelict. Let us hope that, in the near future, with this fine introduction to the defender system, further detailed studies of individual cases will be published by a person of Gerald Getty's experience.

2. *Id.* at 371.