The Minnesota Public Defender System and the Criminal Law Process

A Comparative Study of Behavior at the Judicial District Level

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In 1965 the Minnesota legislature created the office of State Public Defender and authorized the establishment of defender systems in the ten judicial districts which comprise the state judicial system. District systems were to be established upon decision of the district judges for each given district. The period from 1966 through 1967 saw the expansion of the system from two original districts to six additional judicial districts. This study describes and explains the effects of the introduction of this indigent defense system upon the criminal law process in the state of Minnesota.[1] What follows essentially focuses on a problem of institutionalization, i.e., the transformation of an idea or concept into a working institution and its subsequent manifest or latent consequences. (On this problem, see Warriner [1962] and Eisenstadt [1957].) The primary task of this study is the determination of the changes effected by

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AUTHOR'S NOTE: *This article is a substantial revision and expansion of a paper presented at the Annual Meeting of the Midwest Political Science Association at Chicago, Illinois in May 1968. This study is based on a research project undertaken to evaluate the impact of the introduction of the public defender system upon the administration of criminal justice in Minnesota. Chief investigators were Roger W. Benjamin and Theodore Pedeliski. Valuable criticism, advice, and information was received at various stages from C. Paul Jones, Minnesota State Public Defender; Chief Justice Oscar Knutson of the Minnesota Supreme Court; John Cleary, Deputy Director of the National*

the introduction of the system upon the variables by which the criminal law process is statistically monitored. The replacement of the appointive counsel system by the public defender system assumes a change in the operative goals of the defense system. The statistics which monitor the criminal law process are analyzed for changes which indicate a modification in those operative goals. Particular emphasis is placed on the discovery of trends in the process variables which indicate goals pointing to a maximization of due process values. We also undertake a comparative analysis which emphasizes differentiation congruent with increasing experience under the public defender system. Finally, the study analyzes reaction to the system on the part of personnel involved in the adversary process affecting indigent accused.[2]

This presentation is divided into: (1) a discussion of the Minnesota Public Defender Program; (2) the statement of the research plan: assumptions, strategy, methodology, and data employed; (3) a discussion of the goals and policies of systems for the administration of justice with particular reference to the alternative goals that may be implemented under different counsel systems; (4) an analysis of the outputs of the criminal law process in the judicial district of the states through the period of institutionalization; (5) an analysis of patterns of financial support given defense systems; and (6) and (7) a survey of reactions to the system on the part of key personnel in the criminal law process, with attention given to the relationship of response patterns to socioeconomic conditions, under which the respondents operate, and to personal background characteristics.

A DISCUSSION OF THE MINNESOTA PUBLIC DEFENDER PROGRAM

In Minnesota, the District Court has original jurisdiction over the processing of major crimes (gross misdemeanors and felonies). The District Court is divided into ten judicial districts which vary in size from one to seventeen counties and in population from about 200,000 to 1,000,000 (see Figure 1). Every district is staffed by three or more elective district judges, each of

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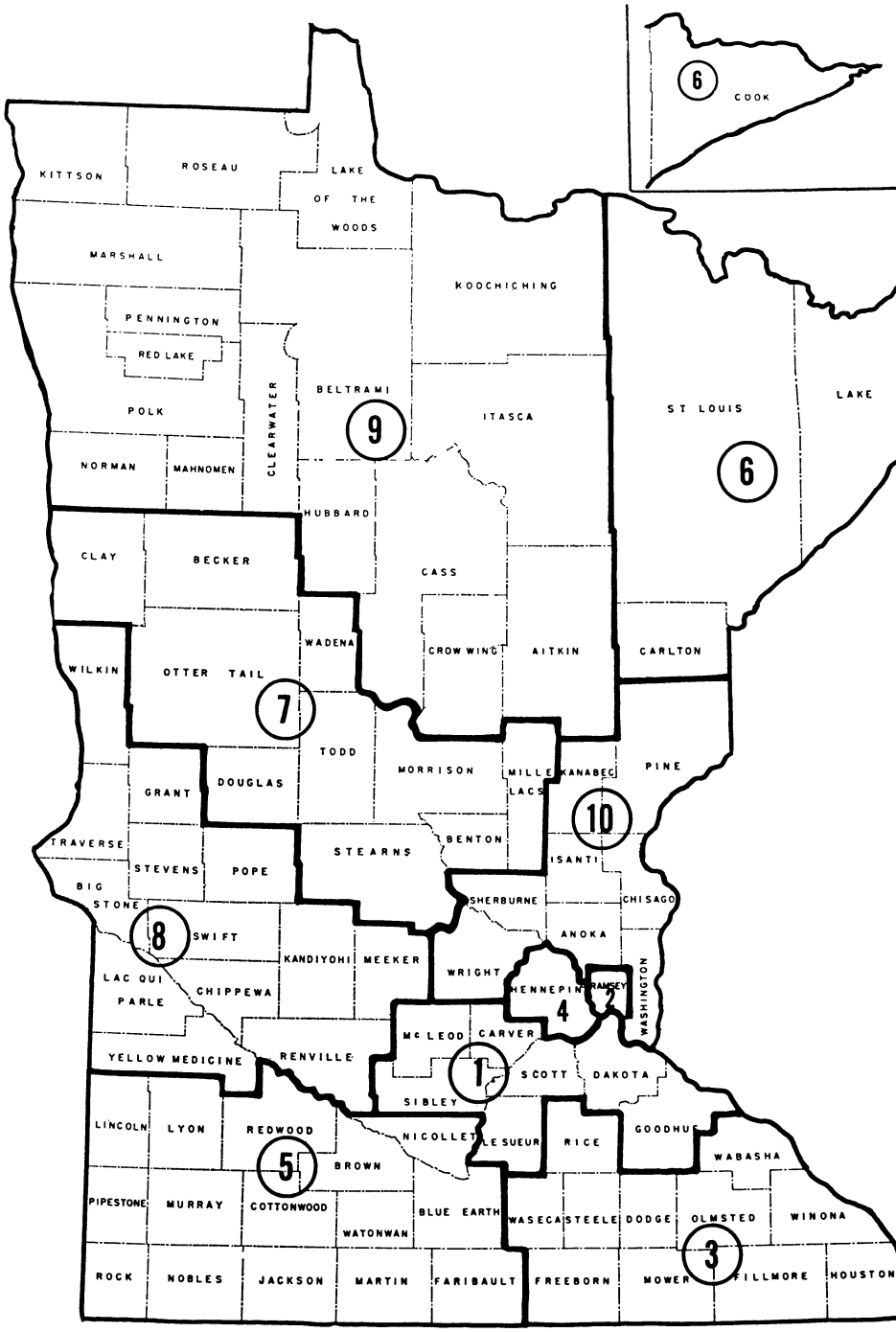

Figure 1. COUNTY OUTLINE MAP OF MINNESOTA SHOWING JUDICIAL DISTRICT

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whom tries cases throughout the district. It is in this jurisdictional setting that the Minnesota Public Defender Program was conceived and implemented. The enabling legislation created the office of State Public Defender and provided for the establishment of district public defender systems upon the condition that the district judges in any given district unanimously approved of the installation of the defender system at the trial level in their districts.[3] The district public defenders represent all indigents charged with felonies and gross misdemeanors from the time of arrest through final disposition of the cases in the trial courts. The district public defenders also represent indigents in extradition proceedings and probation revocation hearings. The State Public Defender handles all indigent appeals, habeas corpus, and post-conviction proceedings, assists the public defenders, and provides for continuing legal education in the criminal justice field. The lines of authority and the recruitment of personnel in the state defender system are summarized in Figure 2.[4]

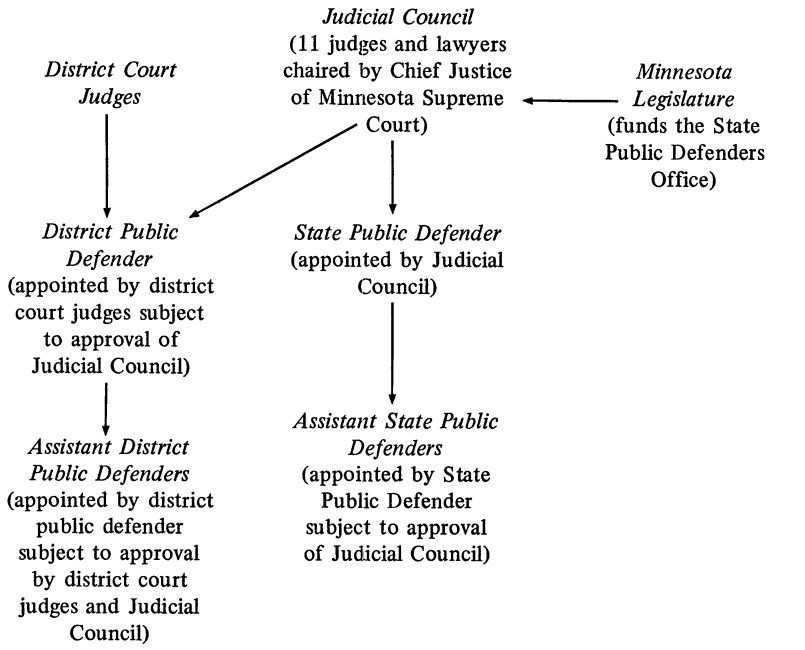

Figure 2. THE MINNESOTA PUBLIC DEFENDER SYSTEM

STATEMENT OF THE RESEARCH PLAN

In presenting the research plan we begin by making explicit the key assumptions which underlie this study. First, the criminal law process in the

judicial districts may be studied in terms of a group or collectivity. Individual norms, values, and attitudes may be profitably viewed as being formed in a highly structured group setting. Second, although the ten judicial districts: (1) are an integral part of a single legal system, (2) follow the same rules and directives, and (3) are staffed by personnel having generally uniform and similar legal training, we assume that conditions for the conduct of the criminal law process vary from district to district. That is, the inputs into the process (e.g., quantity and variety of cases, or characteristics of defendant populations) vary so as to generate differential outputs of the criminal process. The operational autonomy of each district also permits us to assume district differentiation. The personnel in the criminal law process in each district comprise a unique and enduring work group largely isolated from like groups in other districts. Prosecutors have a continuing professional relationship with a limited number of judges and defenders. The judicial district thus forms an appropriate basic unit of analysis. The unifying factors of law, formal procedure, and training supply the underlying dimension upon which the operational groups (the districts) can vary in behavior. Third, while the root of behavior may be the individual and his decision estimates, we shall assume utility maximizing rules for individual behavior operating collectively with application to all members of the institutionalized group (the district). Finally the set of norms and values and the expected behaviors (the role imperatives) attached to the occupation lawyer, judge, and prosecuting and defense attorneys provide a point of departure—first for discriminating the district's legal structure from other political structures, and second, for allowing differential analysis of the role occupant's behavior and attached norms and values.[5]

The public defender serves as the major independent dimension in this study. His efforts are assumed to have an effect upon the criminal process which can be measured against the effects of alternative defense systems. The public defender system at first appears to be a simple institutionalization of the traditional defense counsel role in the adversary process. In a sense, the public defender is a formal official whose role demands much the same behavior that the appointive counsel role demands of its occupant. However, the overt change in the system is reflected in a higher consistency of defense counsel performance in meeting the defense needs of indigents. Permanent role occupancy by the defense counsel position is a critical factor that may affect defense counsel behavior. The individual public defender is also bound to an institution. While the public defender maintains his professional independence when fulfilling his role, the institutional relationship indicates the pursuit of organizational maintenance goals (objectives directly related to the stability and prestige of the organizational unit with which he identifies) in addition to personal goals (satisfying clients, gaining an advantage over the prosecutor, winning a case).[6] Incorporation of organizational goals involves

more than a formalization and bureaucratization of an existent role. It involves a change in the role of a defender of an accused indigent. This change in the role of a legal adversary involves changes in the behavioral expectations associated with the role of defender. In conjunction with these behavioral expectations, changes may occur in the criminal law process and in the behaviors and roles of judges and prosecutors.

GOALS AND ALTERNATIVE GOALS

It is useful to place the public defender in the greater context of the criminal justice process. Herbert L. Packer (1964, 1966) has pointed the way toward a categorization of the criminal law process in terms of two different paradigms–due process and crime control. These alternative standards describe a set of relationships between selected values, beliefs, policies, expressions, and behavior patterns. Elements of both paradigms manifest themselves congruently in any real legal system but the constructs are still useful in that one or the other paradigm dominates in any given legal system.

Packer employs the term "model" to characterize the postulated value systems of his typology. The attitudinal and behavioral syndromes would be hard-pressed to meet the analytic requirements attached to scientific models of social behavior. The Packer models more closely reflect ideal types in the Weberian sense: "Packer's models are ideal not because they describe the way a system can or should operate but rather the way it would operate if, with logical consistency, a certain set of ideals determined in toto its operation. An ideal type is a heuristic device, exclusively, not a guide to what should be put into practice" (Dallin and Oaks, 1968: 8). The Packer models may be better thought of as logical paradigms or as attitudinal matrices, relatively enduring organizations of interrelated beliefs that describe, evaluate, advocate, and command action with respect to an object or situation (compare with Rokeach, 1968).

The crime control paradigm has at its apex the key values of (1) social order, (2) deterrence, (3) efficiency and finality in the administration of justice. Corollary values supported by the crime control paradigm are respect for authority and priority for societal and victim interest in response to crime events. These represent highly abstracted and generalized goals. More immediate and concrete goals center on the prevention of crime, successful apprehension of law violators, imposition of custody on suspects, successful prosecution, early decision in the disposition of criminal cases, and removal of convicted persons and undesirables from the social milieu.

The crime control paradigm also emphasizes certain assumptions. One is that deterrence will fail unless prosecution succeeds. Another is that justice may be best served by preventive intervention of law enforcement officials in

potentially criminal situations. Another attitudinal component central to the Packer crime-control paradigm is the focus upon factual guilt (presumption of guilt qualified by calculus of the probabilities of guilt). A congruent attitude places a high degree of confidence in the reliability of the informal administrative fact-finding activities that take place at the early stages of the criminal process.

The due process paradigm includes a complimentary syndrome of attitudes on criminal justice. The model stresses the values of: (1) legality (due process or procedural stringency), (2) visibility of process, (3) limitation on official power, (4) maximum opportunity for scrutiny and adversary challenge, (5) a priority for interests of the individual accused, and (6) equal protection (in availability of defense counsel, competence of counsel, availability of post-conviction remedies, etc.).

Beliefs and value judgments which are regarded as part and parcel of the due process paradigm include:

(1) a belief that the arrest and prosecution processes are subject to margins of human error, and a belief that evidence may be unreliable;

(2) a feeling that the law enforcement and prosecution processes can be corrupted by an unchecked application of power (with arrest and prosecution becoming ends in themselves);

(3) a judgment that the accused shall have a full opportunity to question the legality of every aspect of his prosecution;

(4) a judgment that the sanction of nullity shall apply to the fruits of procedures which violate the paradigm's central values (e.g., unreasonable searches, coerced confessions);

(5) the view that a man is presumed innocent until proved guilty;

(6) the view that a finding of guilt may be legally as well as factually determined; and

(7) the view that the social circumstances of an accused shall not work against his attempts at defense.

Packer attempts to operationalize the values contained in each paradigm in terms of the adversary process. In applying the tenets of the crime control paradigm to the pretrial and trial stages of the criminal law process, he postulates a set of policies which favors: (1) pretrial detention of the accused; (2) the disposition of as large a proportion of cases as possible without trial, at the earliest stage; (3) disposition of cases through the guilty plea (voluntary cooperation of the client being exchanged for leniency); (4) a reduction of redundancy and technicality in procedure, and (5) a bypassing of issues that can only result in a weakening of effective criminal justice (e.g., an inquiry into the availability of defenses that do not go to the issue of factual guilt).

Under the due process paradigm, different operative goals take effect. Pretrial detention is seen as a violation of the presumption of innocence and

as unfairly restrictive in the client's preparation of a defense for trial. Also, "a criminal defendant is entitled to have the charges against him tried in the manner prescribed by law no matter how overwhelming the evidence of guilt may be thought to be. A criminal trial is not to be viewed as an undesirable burden but rather as the logical and proper culmination of the process" (Packer, 1964: 49). Where trials may be impractical or where they mitigate against the defendants' interests, the due process paradigm demands alternative scrutinizing procedures. Extensive use of hearings and procedures to scrutinize and test the activities of police and prosecutor are favored. A defense counsel would enter a guilty plea for his client only after the establishment of guilt and the absence of any abusive practices at earlier stages of the process. Finally, the due process paradigm favors unhindered access to the appellate and post-conviction remedy processes.

It is our contention that the establishment of a public defender system would mean the adoption of behavior patterns that would, in comparison with patterns under the appointive counsel system, be more closely oriented to the operative goals of the due process model. This hypothesis is specific to the limited situation studied. In observing the behavior of persons connected with defender systems in other states, several researchers have come to the conclusion that public defenders often operate in a manner congruent with crime control objectives. Defender behavior is in these instances marked by a facilitation of the prosecution process in which the disposition of cases through the guilty plea is given a routinized quasi-administrative character. The defense counsel, in such cases, acts "as a coach preparing his client to meet the behavioral and attitudinal standards acceptable to criminal law officialdom" (Skolnick, 1965: 62).[7]

There are several activity patterns which may be examined to test the orientation of defense counsel behavior in relation to the paradigms described above. One centers on the efforts of defense counsel to obtain release of clients on their personal recognizance. The percentage of accused released from custody prior to disposition proceedings can serve as a comparative indicator of attachment to the goals of the due process paradigm. Another indicator is the activity of defense counsel in utilizing procedures to test whether the due process requirements that are imposed on the police and the prosecution are fully met. This includes the invocation of preliminary hearings to test probable cause, discovery proceedings, mental competency hearings, and evidentiary hearings.[8]

An inferential indicator of the orientation of defense counsel activity to due process objectives may be found in the dismissal rate. The dismissal rate may reflect the operation of other factors such as tyro prosecutors or a policy of arrest and hold in facilitating investigation. However, most often dismissals following the filing of charges stem from a testing of the prosecution's case

(through the pretrial procedures) and subsequent exposure of weaknesses in the case.

The proportion of accused initially pleading not guilty and the percentage of cases taken to trial certainly represent a measure of due process orientation. This represents the most direct indicator of the changes that may be expected with a stronger attachment to due process values.

We also examine the hypothesis that the public defender will be a more effective defense advocate[9] through several measures which give an indication of effectiveness in terms of payoffs in adversary encounters. Dismissals, as well as acquittal following trial, represent victories for a defense counsel. The proportion of cases in which the convicted client receives probation and suspended sentence may be another measure of defense counsel effectiveness. Sentencing lies within the province of judicial discretion. Aggregate measures of sentencing outputs may also reflect the operation of such variables as the proportion of first offenders in the population of convicted individuals. However, efforts of defense counsel may also play a part insofar as appeals to leniency have any effect.

It must be noted, though, that all the measures proposed to study orientation of defender systems to the due process goals and to study defense counsel effectiveness are relative. There are no absolute standards by which one can say that a certain percentage of dismissals indicates conformity with due process objectives, while a lesser percentage does not. But longitudinal and cross-sectional comparisons can give an indication of which time period reflects greater conformity, and which unit is more in conformity with such objectives.

The criminal justice process is statistically monitored to show the distributions of dispositional outcomes ranging over several alternatives. The flow of cases through the system is measured by the dispositional outcomes generated at various stages of the process. Of the population of case inputs, a proportion is dismissed, another proportion is disposed of through the mechanism of the guilty plea, another proportion tried and disposed of through acquittal, and the remainder disposed of through conviction outcomes (probation, suspended sentences, work release, and incarceration). Several of these measures lend themselves to the study of changes reflecting more proximate conformity to the due process objectives.

ANALYSIS OF THE OUTPUTS OF THE CRIMINAL LAW PROCESS

Since the public defender system was introduced into several Minnesota judicial districts in 1966 and 1967, we were given the opportunity to compare the statistical outputs of the criminal justice process in terms of rates before

and after the system was introduced. The comparison of these outputs over time should give indications of whether the district system is moving into closer conformity with due process ideals. Five measures were represented by adequate statistics.[10] These include dismissals as a proportion of total dispositions, guilty pleas as a proportion of total dispositions, proportion of total dispositions going to trial, proportion of convictions given probation and suspended sentences, and proportion of trials terminated as acquittals.

We hypothesize that as the public defender programs become operational, the criminal justice process will be marked by a higher proportion of cases dismissed, a smaller proportion of guilty plea dispositions, and a higher proportion of cases going to trial. Greater defense counsel effectiveness should be shown by a higher rate of acquittals and in a higher proportion of convicted persons being given probation or suspended sentence.

Although the districts have undergone structural change in regard to the counsel system for indigents, the districts have maintained a mixed defense counsel system. Privately retained counsel have always handled a significant percentage of criminal cases during both the appointive and public defender eras. In our research strategy, effects of this situation are assumed equal prior and antecedent to the institutionalization of the public defender program. Retained counsel probably acts according to the expectations of the due process paradigm.[11]

Minnesota's judicial districts adopted the public defender system at various times. Figure 3, below, gives each district's date of entrance into the program.

Judicial District	*Date*
2 and 4	Maintained public defender systems at county level prior to 1966[a]
6	January 1, 1966
7	March 1, 1966
9	July 1, 1966
10	August 1, 1966
1	January 1, 1967
5	August 1, 1967
3 and 8	Not in program

[a] District 2 has had such a system since 1962 and District 4 since 1947.

Figure 3. JUDICIAL DISTRICTS' DATES OF ENTRANCE INTO PUBLIC DEFENDER PROGRAM

The judicial districts can thus be categorized into different cohorts[12] on the basis of experience under the system. Under our general hypothesis we stipulated that changes in the criminal process would be a function of time under the system. Thus the districts with more experience under the system

should show changes earlier or should show maintenance of new levels reached for the aggregate variables observed.

The districts in our survey are placed in the following quartile classification. The second and the fourth districts are to be considered numbers of the same cohort (A); all the districts which initiated the program in 1966 are considered together in another cohort (B); those which came into the program in 1967 are combined (Cohort C); and the two districts which remain out of the program make up the last cohort (D). The two districts which remain out of the program may be considered as a control group. The classification scheme permits us to make another type of comparison. The Second and Fourth Judicial Districts cover Hennepin and Ramsey counties (Minneapolis and St. Paul respectively) and represent the process as it operates in a high population, fully urban environment.[13]

Tables 1 through 5 given below indicate the changes in the five designated process variables, from 1964 through 1968.[14] Arrayed from top to bottom the classification represents a continuum with the district with greatest public defender experience at the top (Cohort A) to those with no experience at the bottom (Cohort D). A consistent direction in the trend line should thus be established from top to bottom and from left to right along the time dimension.

In a cross-sectional comparison of cohorts, Cohort A is to be distinguished from the other cohorts. In comparison with the others, Cohort A exhibits little change over the five-year period for dismissals, guilty pleas, proportion of cases going to trial, percentage of convictions given probation or suspended sentence, and the proportion of trials terminated as acquittals. The stable longitudinal pattern for the selected process variables may reflect the fact that the system in Cohort A did not go through a system change during this time period. It also indicates that there is a higher degree of routinization in the disposition process. The consistent, low dismissal rate may also indicate the effect of full-time professional prosecutorial staffs which screen out any questionable charges in the interests of efficiency.

This leaves Cohorts B and C as the districts where the public defender program was implemented during the five-year period (see Figure 3 for timing of district entry). These district cohorts are compared with Cohort D. The judicial districts outside the two metropolitan districts of Cohort A are sufficiently comparable in terms of population levels and patterns, economic bases, criminal activity patterns, and juridical specialization[15] that we assume constancy in the factors which may affect the outputs of the criminal law process. Cohort D is unique only in that it did not incorporate the defender system. A comparison of the process patterns of Cohorts B and C with D reveals that with the exception of some very noticeable changes in the proportion of cases pled not guilty and taken to trial in Cohort C, the process variables demonstrate a quite similar pattern over time. For instance, the

dismissal rate rises incrementally for Cohorts B, C, and D through the period irrespective of system changes. An adjustment to slightly lower levels is indicated for all three cohorts for the past year (1968). Similarly a comparison of B and D reveals a parallel incremental increase in cases taken to trial in 1965 and 1966, with a slight leveling off since. A check of the state mean for dismissals and proportion of cases disposed of through the guilty plea against the above patterns indicates that a statewide trend of incremental changes is the most obvious pattern.

The action of the Minnesota Supreme Court in 1965 and 1966 in setting new requirements in criminal procedure and in intensifying the review of criminal cases (including a dozen on the issue of inadequate counsel) may have had statewide implications of greater import than the introduction of the district public defender systems per se. The creation of the State Public Defenders' Office may also have had an effect. The authority of the State Public Defenders' Office to handle appeals and post-conviction remedies extends to the entire state (nondefender districts included). More concerted defense counsel activity in these districts may represent the objective of all participants in the criminal law process at avoiding appellate review of their activity at the pretrial and trial levels. A further indication that these statewide decisions had an effect is indicated in a comparison of budgetary allocations for indigent counseling in defender and nondefender districts (see Table 6).

In reviewing the counsel effectiveness indicators, one notes that in Cohort B, the acquittal rate since 1966 has registered a considerable rise over the predefender years. Some rise in 1967 is noted for Cohort C, although this cohort showed a trend toward increasing the acquittal rate for the two years preceding the introduction of the system. Cohort D has also exhibited a continuing rise in the rate of acquittals that has leveled off in the past year.[16] Cohort A, however, seems to indicate a very stable trend through the five-year period. In the proportion of convictions given probation or suspended sentence, the patterns indicate that D has increased the proportion in two quantum jumps (1965 and 1968). Cohort C also deviates from the state mean by a considerable margin. The other cohorts show a very stable and consistent pattern over time in the direction of an increasing proportion given probation or suspended sentences. This last process variable appears to operate independently of any system change.

ANALYSIS OF FINANCIAL SUPPORT PATTERNS

The impact of the public defender system upon the criminal law process also manifests itself in expenditure policy in the governmental process.[17] Expenditures policy reflects the measurement of the allocation of scarce

TABLE 1

DISMISSALS AS A PROPORTION OF TOTAL DISPOSITIONS[a]

	1964		1965		1966		1967		1968	
District Cohort	*%*	*(N[a])*	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*
A (Dist. 2 and 4)	6.1	(920)	1.3	(527)[b]	8.8	(971)	8.8	(1120)	8.5	(1521)
B (Dist. 6, 7, 9, 10)	16.8	(928)	18.7	(927)	19.7	(969)	24.9	(897)	22.1	(932)
C (Dist. 1 and 5)	14.6	(418)	13.7	(417)	17.8	(337)	24.0	(399)	22.2	(433)
D (Dist. 3 and 8)	17.9	(324)	16.4	(291)	18.8	(329)	23.1	(363)	18.1	(446)
State Mean	12.7	(2590)	13.1	(2162)	15.3	(2606)	18.1	(2778)	15.5	(3332)

[a] Data is obtained from the First, Second, Third, Fourth, and Fifth Annual Reports on the Minnesota Courts, Office of the Administrative Assistant of the Supreme Court, St. Paul, Minnesota (1964-1968). The percentage represents dismissals as a proportion of total criminal dispositions. Total felonies and gross misdemeanors disposed of for cohort indicated = N.

[b] The base on which the percentage for 1965 Cohort A is taken does not include data on the criminal processes in District 2.

TABLE 2

GUILTY PLEAS AS A PROPORTION OF TOTAL DISPOSITIONS (MINUS DISMISSALS)[a]

	1964		1965		1966		1967		1968	
District Cohort	%	(N[a])	%	(N)	%	(N)	%	(N)	%	(N)
A (Dist. 2 and 4)	84.7	(864)	84.8	(565)[b]	86.8	(886)	83.6	(1019)	85.8	(1392)
B (Dist. 6, 7, 9, 10)	87.3	(722)	85.3	(754)	82.0	(778)	82.8	(674)	85.7	(725)
C (Dist. 1 and 5)	84.3	(268)	71.1	(360)	80.1	(277)	57.4	(303)	75.5	(336)
D (Dist. 3 and 8)	84.3	(268)	81.1	(243)	79.0	(267)	81.7	(279)	85.5	(365)
State Mean	84.9	(2122)	81.9	(1922)	83.1	(2208)	79.6	(2275)	84.5	(2818)

[a] Data is obtained from the First, Second, Third, Fourth, and Fifth Annual Reports on Minnesota Courts, Office of the Administrative Assistant of the Supreme Court, St. Paul, Minnesota (1964-1968). Total dispositions minus dismissals = N. See Table 1.

[b] The base on which the percentage for 1965 Cohort A is taken does not include data on the criminal process in District 2.

TABLE 3

PROPORTIONS OF TOTAL DISPOSITIONS GOING TO TRIAL[a]

	1964		1965		1966		1967		1968	
District Cohort	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
A (Dist. 2 and 4)	14.3	(920)	14.9	(572)[b]	12.5	(971)	14.9	(1120)	12.8	(1521)
B (Dist. 6, 7, 9, 10)	9.2	(928)	11.2	(927)	13.4	(969)	12.9	(897)	15.8	(932)
C (Dist. 1 and 5)	15.3	(418)	24.2	(417)	16.3	(337)	32.3	(399)	20.0	(438)
D (Dist. 3 and 8)	12.3	(324)	15.1	(291)	17.0	(329)	14.0	(363)	14.5	(446)
State Mean	12.4	(2590)	15.1	(2207)	13.9	(2606)	16.7	(2779)	14.5	(3332)

[a] Data is obtained from the First, Second, Third, Fourth, and Fifth Annual Reports on Minnesota Courts, Office of the Administrative Assistant of the Supreme Court, St. Paul, Minnesota (1964). Total dispositions = N, processed for the district cohorts. (This includes cases dismissed in the process.)

[b] The base on which the percentage for 1965 Group I is taken does not include data on the criminal process for District 2.

TABLE 4

PROPORTION OF CONVICTIONS GIVEN PROBATION OR SUSPENDED SENTENCE[a]

	1964		1965		1966		1967		1968	
District Cohort	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*
A (Dist. 2 and 4)	44.5	(865)	42.9	(810)	44.7	(780)	52.0	(979)	49.5	(1162)
B (Dist. 6, 7, 9, 10)	46.4	(629)	47.5	(589)	47.5	(561)	51.5	(502)	52.0	(562)
C (Dist. 1 and 5)	59.1	(245)	61.6	(216)	57.2	(185)	57.0	(184)	55.5	(191)
D (Dist. 3 and 8)	42.1	(247)	56.6	(189)	55.2	(208)	54.1	(207)	62.8	(299)
State Mean	46.6	(1986)	47.8	(1804)	48.3	(1734)	52.6	(1872)	52.5	(2214)

[a] Data is obtained from the unpublished reports on criminal dispositions compiled by the Minnesota Bureau of Criminal Apprehension (1964-1968). The percentage represents the total number of convicts who received probation or suspended sentence. Total convictions = N.

TABLE 5

PROPORTION OF CRIMINAL TRIALS TERMINATED AS ACQUITTALS[a]

	1964		1965		1966		1967		1968	
District Cohort	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*	*%*	*(N)*
A (Dist. 2 and 4)	28.9	(138)	28.5	(112)	29.0	(100)	28.2	(131)	31.3	(134)
B (Dist. 6, 7, 8, 9, 10)	43.5	(62)	18.3	(49)	26.2	(61)	36.8	(76)	36.3	(77)
C (Dist. 1 and 5)	26.3	(19)	42.8	(28)	46.1	(26)	50.0	(32)	35.4	(31)
D (Dist. 3 and 8)	18.1	(22)	26.6	(30)	28.5	(14)	43.3	(30)	22.5	(31)
State Mean	31.5	(241)	27.8	(219)	30.3	(201)	34.9	(269)	24.9	(273)

[a] Data is obtained from the unpublished reports on criminal dispositions compiled by the Minnesota Bureau of Criminal Apprehension (1964-1968). These reports carry several data (e.g., acquittals, form of punishment) not included in the Reports on Minnesota Courts. The number of trials reported for the counties and districts through this agency falls short of that reported by the Office of the Administrative Assistant to the Supreme Court. We assume that the ratio of acquittals to trials as reflected in the population reported above reflects the true ratio. Acquittals reported as a proportion of criminal trials reported = N.

resources to the operationalization of a given policy. The financial support of a program indicates commitment to the objectives of a program. In comparison with a review of support given other agencies, a review of expenditures also indicates the relative priorities of policy makers.

We approached the question of commitment to the maintenance of the public defender program through the comparison of the financial support given the system in several time periods for each district cohort. The decision to introduce the system into a given district represents a redistributive type of decision–a particular decision to allocate resources into a new sphere of activity. The yearly budgetary allocations represent another type of decision, a regulatory decision which reflects an on-going evaluation of the system and the adjustment of demands with services or the adjustment of policy goals.[18]

We also test the question of relative priorities by looking at the support given the public defender system in relation to support given its opposite number in the adversary process, the prosecutor's office.

In each case we will be judging impact in relative terms and in terms of *rates* of support. This is to control for systemic inequities between the district defender systems in terms of sizes of staffs and the volume of activity undertaken within each district. Two comparative measures provide information that a comparison of absolute costs could not produce. These include the cost of defense per case[19] and the change in the budgets of the defender institutions from year to year (measured as percentage increase or decrease from previous budgets).

In our comparative survey we note that the budgetary process is itself a factor in determining the pattern for adjustment of existing budgets to meet needs or operationalize new policy goals. In districts where the system has been instituted, remuneration for counsel services is generally on a salaried basis. Salaries are set by the district judges, who ostensibly set these levels in conformity with anticipated case loads for the succeeding year (a projection based on a review of the preceding year).[20] Thus budgetary increases should follow increases in case loads. The process also emphasizes the autonomy of each district's juridical system in controlling policy through the purse.

The variables measuring financial support of the defender system are given in the following three tables. Table 6 presents rate increases for both district case loads and for district budgets. A comparison of these rates of change on the same table allows us to observe if budgetary allocations are simply a response to increasing demands for indigent counsel. It also indicates whether or not the cohorts increase their support of the system with greater experience under the system or whether there is an adjustment to lower levels of support. Finally it shows the reaction of the nondefender districts (Cohort D) in improving the system of justice for indigent accused.

Table 7 indicates the per case cost of indigent defense both in absolute and rate changes over the five-year period. Per case cost is the common denomina-

tor. Differences between the district in terms of system size are made irrelevant by this measure. Each district cohort can be compared equally with any other on this dimension. Per case cost may also reflect the intensity of involvement of defenders in individual cases. A trend toward multiple and repeated court appearances in the disposition of the typical case (e.g., in preliminary hearings, evidentiary hearings) would reflect itself in higher fees charged (nondefender districts) or in petitions for higher salaries (in face of decreasing or stable case loads).

Table 8 indicates the relationship of the budget for a district cohort's public defender offices to the total budgets of all county attorney offices in the cohort.[21]

A review of the financial support tables indicates that dramatic increases in support levels for indigent counseling marked the introduction of the defender systems into Cohorts B and C while budget increases for Cohort A are incremental and correspond to case load increase. There was also a noticeable increase in the support given indigent counseling services in Cohort D, the control cohort. This again indicates a response to the Minnesota Supreme Court's actions in promoting procedures operationalizing due process goals. A check of per case costs particularly shows the commitment of Cohorts B and C to achieving better defense for indigents with increased but trailing support given appointive counsel by Cohort D. Cohort A remains the unique case. The Public Defender Offices in Districts 2 and 4 handle a considerable number of cases. Yet budgetary levels and per case costs remain quite low relative to expenditures in the other cohorts. Discussions with respondents in both the metropolitan and out-state districts seem to indicate that defenders in the metropolitan districts do not make the investments in procedure and process that out-state defenders commit themselves to making. Respondents report what they judge as a greater tendency for defenders to waive preliminary hearings in the metropolitan districts. In this one area, this would indicate a stronger commitment to due process objectives in the out-state areas. In the metropolitan districts, the process focuses more strongly on resolution of cases by immediate negotiation.

A survey of comparative financial support levels between the defense institutions and the prosecutorial offices reveals that over time the defense institutions have risen from fifteen percent of county attorney costs to twenty percent for Cohorts B, C, and D. The rise is quite uniform and consistent. Cohort A's defender institutions, on the other hand, are maintained at a consistent ten percent of the costs of the county attorney's office. Priorities remain unchanged in this case.

SURVEY OF REACTIONS TO THE SYSTEM

In our study of the institutionalization of the public defender system, we took account of the support expressed for the system through the different

TABLE 6

CHANGES IN BUDGETARY ALLOCATIONS FOR INDIGENT COUNSELING AND CHANGES IN INDIGENT COUNSELING CASE LOADS IN DISTRICT COHORTS

(Absolute allocations indicated in parentheses)[a]

District Cohort		*1964*	*1965*		*1966*		*1967*		*1968*	
A	case load	(673)	-28.0%	(485)	+13.0%	(548)	+14.5%	(668)	Not Available (N.A.)	
	budget ($)	(45,400)	+12.7	(51,200)	+18.9	(60,900)	+10.8	(67,500)	+18.8%	(80,000)
B	case load	(578)	-21.3	(455)	+21.9	(551)	+ 9.3[b]	(292)	+10.8[c]	(489)
	budget ($)	(62,000)	-8.9	(56,500)	+45.4	(82,200)	+34.8	(100,900)	+ 7.2	(118,750)
C	case load	(227)	-24.3	(172)	-17.5	(142)	+59.1	(226)	+15.0	(260)
	budget ($)	26,700)	+ 4.8	(28,000)	+ 2.5	(28,800)	+84.3	(53,100)	-10.6	(47,500)
D	case load	(192)	-10.0	(173)	+ 4.0	(180)	+36.1	(245)	N.A.	
	budget ($)	(24,700)	- 8.0	(24,500)	+27.7	(31,300)	+60.0	(50,100)	N.A.	

[a] Change rates are based on increase or decrease from preceding year to succeeding year. Data for this table is derived from files of the State Public Defenders Office. Number of indigent counsel cases in nondefender districts is obtained from an unpublished survey of The Office of the Administrative Assistant to the Minnesota Supreme Court. Expenditures for indigent counseling in nondefender districts is obtained from yearly financial statements published by the individual counties in the districts.

[b] Data is available only on two districts. Rate change is calculated on change for those two districts alone.

[c] Data is available only on three districts and is calculated on the basis of change for those three districts.

TABLE 7

PER CASE COSTS OF INDIGENT COUNSELING IN THE DISTRICT COHORTS

(Absolute changes indicated in parentheses)[a]

	1964	1965		1966		1967		1968	
District Cohort	$	%	($)	%	($)	%	($)	%	($)
A	67	+56.7	(105)	+ 5.9	(111)	-9.0	(101)	Not Available	
B	107	+15.8	(124)	+20.0	(149)	+62.4	(242)	N.A.	
C	117	+38.4	(162)	+24.6	(202)	+11.4	(235)	-22.6	(182)
D	128	+10.1	(141)	+22.7	(173)	+17.8	(204)	N.A.	

[a] Rate change represents percent change from previous to subsequent year.

TABLE 8

DISTRICT INDIGENT COUNSELING COSTS AS PROPORTION OF DISTRICT COUNTY ATTORNEY COSTS[a]

	1964	1965	1966	1967	1968
District Cohort	(%)	(%)	(%)	(%)	(%)
A	10.1	11.2	11.8	11.5	9.8
B	15.7	13.5	17.8	20.7	19.6
C	15.5	15.4	14.6	25.2	21.1
D	13.5	13.1	15.2	20.4	19.4

[a] District county attorney costs are compiled from the yearly financial statements of the individual county governments.

district cohorts. This permitted us to assess whether the attitudinal response aggregated for each district cohort demonstrated for the system an increasing support which paralled increasing experience under the system.

Methods

In our field interviews we asked each respondent to give his reactions to the introduction of the public defender system into his district. In the interview, the issue was obliquely approached by asking the subject's view as to which counseling system would be most effective in providing a proper defense for the accused indigent and in implementing U.S. Supreme Court decisions. We hypothesized that the impact of the public defender system would be such that stronger preference for the system would be manifested in those district cohorts with greater experience under the system and that support would increase with experience under the system. Tables 9 and 10 indicate reaction to system at time of interview and views as to the most effective counsel system. Responses in Table 9 were categorized into negative responses (outright opposition to the system or grave reservations about the system), undecided or ambivalent responses (wait and see attitudes, "no difference" reactions, positive and negative features seen mixed), and positive reactions (favorable expressions of support for public defender system). Within each of these categories, a continuum of responses is encountered. Thus in the negative reaction category the responses range from expressions of open hostility to the system to the view that the system was unnecessary. The positive responses similarly encompassed a range for strength of response (from passive acquiescence to the system to high enthusiasm for its operation). In Table 10, responses were categorized into those favoring the appoin-

TABLE 9

REACTION TO THE INTRODUCTION OF THE PUBLIC DEFENDER SYSTEM BY RESPONDENTS IN THE FOUR DISTRICT COHORTS

	Respondents' Cohort			
	A	*B*	*C*	*D*
Negative response	0.0%	21.8%	25.6%	40.5%
Undecided ambiguous response	0.0	6.4	2.6	24.3
Positive response	100.0	71.8	71.8	35.1
Total	100.0% (N=30)	100.0% (N=78)	100.0% (N=39)	99.9% (N=37)
Statistical significance:	gamma = -.55	tau β = -.33 p = .000	chi square = 38.66 p = .000	

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TABLE 10

SYSTEM DESIGNATED BY RESPONDENTS IN FOUR DISTRICT COHORTS AS MOST EFFECTIVE SYSTEM TO PROVIDE COUNSEL FOR INDIGENTS

	Respondents' Cohort			
	A	*B*	*C*	*D*
Appt. counsel system	0.0%	9.0%	10.3%	32.4%
Ambivalent response	0.0	12.8	5.1	29.7
Public defender	100.0	78.2	84.6	37.8
Total	100.0% (N=30)	100.0% (N=78)	100.0% (N=39)	99.9% (N=37)
Statistical significance:	gamma = -.60	tau β = -.34 p = .000		chi square = 40.58 p = .000

tive counsel system as being most effective in providing a proper defense, those viewing the public defender system as being most effective, and those responses which indicated an ambivalent response (e.g., both systems equally effective; appointive counsel system for rural areas–public defender for cities; appointive counsel at pretrial and trial levels–public defender to handle appeals, etc.).[22]

Results

Both tables indicate that there is a distinct difference among the district cohorts in terms of the temporal dimension of experience with the system. A statistically significant pattern in the order of district cohorts A–BC–D is obtained. However, a consistent directional trend through all four groups is not obtained. The distinctions between cohorts B and C are inconsequential.

The view that a comparison of the district cohorts in terms of support given the public defender system as a measure of continuing impact of the system, of course, involves an assumption that entirely different population of respondents will react similarly to the introduction of the system. This may not be so. However, in the absence of an opportunity to obtain the views of the same set respondents just prior to the introduction of the public defender system and to retest those views at regularly scheduled intervals, the inferential approach was utilized.

The interview schedule did, however, provide for another measure of impact through an item in which we asked our respondents to compare their present views of the public defender system with views they entertained when they first heard of the plan to replace the appointive counsel system with the public defender system in their district.[23] Most of the respondents registered no change from first impression to time of interview. However, a sizable

number did report positive and negative shifts in attitude. Positive shifts included the following reported changes in attitude:

(1) opposition to system to support of the system;
(2) reservations about system to support of the system;
(3) undecided position to support of the system;
(4) opposition to system to acquiescent acceptance of system;
(5) opposition to system to undecided position;
(6) acquiescent acceptance of system to enthusiasm for system.

Negative shifts included the following reported changes in attitude:

(1) support for system to opposition of the system;
(2) support for system to serious reservations about system;
(3) support for system to undecided position on system;
(4) undecided position to opposition to the system.

Tables 11 and 12 below give the shifts in attitudes as reported by the respondents with control for the district cohorts and for role respectively. The strongest positive shifts are recorded for Cohort B, which has had the greater amount of experience with the public defender system since it was introduced in out-state areas. Cohort C showed the highest proportional negative shift. This may in part be linked to the greater increase in cases taken to trial in this cohort. The added burdens of these proceedings has caused some prosecutors to react somewhat negatively to what they feel is unnecessary work load. Shifts were even recorded in the nondefender districts primarily on the basis of the respondents' observation of the criminal process in neighboring

TABLE 11

SELF-REPORTS OF ATTITUDE CHANGE TOWARD PUBLIC DEFENDER SYSTEM BY RESPONDENTS IN THE FOUR DISTRICT COHORTS

	District Cohorts			
	A	*B*	*C*	*D*
Negative shift	0.0%	10.3%	18.0%	8.1%
No change	76.7	53.9	53.9	78.4
Positive shift	23.3	35.9	28.2	13.5
Total	100.0% (N=30)	100.1% (N=78)	100.1% (N=39)	100.0% (N=37)
Statistical significance:	gamma = -.18	tau β = .11 $p < .02$		chi square = 14.36 $p < .02$

TABLE 12

SELF-REPORTS OF ATTITUDE CHANGE TOWARD THE PUBLIC DEFENDER SYSTEM AS CATEGORIZED BY RESPONDENTS' ROLE

	Respondents' Role		
	Judges	*Defenders*	*County Attorneys*
Negative shift	3.6%	0.0%	19.1%
No change	69.6	61.4	58.3
Positive shift	26.8	38.6	22.6
Total	100.0% (N=56)	100.0% (N=44)	100.0% (N=84)
Statistical significance:	chi square = 17.28 $p < .005$TT		

judicial districts. Statements such as, "It has proven itself in other districts, we should have it here," represent the typical positive shift for this respondent.

In comparing the response patterns on the two counsel preference variables, we note that unfavorable reactions to the public defender system outnumbered the responses on the cross-check item in which respondents chose the appointive counsel system as the preferred system in providing proper defense for indigent accused. Forty-two respondents indicated opposition to the public defender system or had serious reservations about it while only 21 of this same group actually thought the appointive counsel system to be a more effective system in providing justice for indigent accused. This seemingly would represent extreme dissonance for the other 21 respondents. An analysis of these 21 respondents reveals that ten of the critics of the public defender system still chose it as the most effective system for providing justice for indigents and eleven respondents supplied an ambivalent answer (e.g., both systems equally effective, public defender system for urban areas–appointive counsel for rural areas).

These seemingly incongruent responses can be explained in terms of different cognitive adjustment techniques[24] by which a person moves to reduce dissonance. In the case of those who oppose or have grave reservations about the system and who opt for a combined or parallel system of counsel services, the technique appears to be differentiation. Such respondents seek to differentiate between patterns of law enforcement and justice administration in their own jurisdictions and the patterns they perceive in other jurisdictions. This can be seen in the specific comments of those who raised reservations as to the introduction of the system into their own jurisdiction (particularly those from low populations and those from rural jurisdictions): "There's no police brutality in our area." "Our sheriffs act only when they're certain of guilt." "The pretrial maneuvers of defenders and their raising of endless technicalities is unnecessary where the police and prosecutors are fair." While

viewing themselves as operating in a different criminal process environment, these same respondents still saw the importance of the introduction of the system for the state as a whole and certainly its importance for its larger population centers.

In other instances, the discrepancy between a stance of expressed criticism for the public defender system and its evaluation as the most effective system for the provision of a proper defense for indigents may be interpreted as a reduction of dissonance through conversion. This represents an attempt to relieve dissonance by a rechanneling of attention to the more positive features of the decision eliciting negative reactions. Such a person would be quite attentive to any rationale which mitigated his misgivings about the decision (in this case the decision to introduce the public defender system). Respondents who were opposed to the system because it upset the balance between prosecutor and defender (in terms of experience, degree of specialization in criminal law, and resources) in favor of the defense counsel still opted for the public defender system as the most effective system for the provision of a proper defense. Their evolving position appeared to be changing from an opposition to the system to a call for redressing the balance by more specialization (moving to full-time prosecutor or full-time county attorney status) and more resources (e.g., investigators, assistants) and training in prosecution.

Finally, some of the discrepancy may be explained by the respondents' acquiescence to authority (i.e., by an adherence to what has been termed the "nulist" position [Muir, 1968: 3-5, 88-93]). Where the public defender system was introduced, it became the official legitimate institution for the provision of defense for indigents. The point is that once the decision had been made to replace the appointive counsel system with the public defender system there was no other alternative. Overt compliance was expected. The expressed view that the public defender system was the most effective system for providing a proper defense for indigents and for implementing U.S. Supreme court decisions may be tied to the respondents' commitment to compliance. Such a respondent accepts the system but redirects his energies from opposing or replacing the system to working for its improvement and the correction of its faults. In a few instances the misgivings were directed not at the officially sanctioned system, but against the individual defenders perceived as not operating in accordance with the objectives of the system. A characteristic comment supplied by one of these respondents was, "If some of the district's defenders would stop being so 'gung-ho' and technical and instead use more discretion in choosing their legal defenses, I would be much happier with the system."

The other independent variable which merited our attention was the respondent's role. The interview universe includes interviews with county prosecutors, district judges, and defenders (or experienced appointive counsel

in districts without the system). The relative support given to the system by these three role groups is compared. Defenders are, of course, expected to give the highest support, with judges following. The adversary advantage which some experienced prosecutors may enjoy with inexperienced appointive counsel may prompt them to prefer the appointive counsel system. The pattern which is hypothesized does occur. Tables 13 and 14 below look respectively at final reaction to the introduction of the public defender system and perceptions as to the most effective system.

The comparative reactions of county attorneys, district judges, and public defenders indicate that the bulk of opposition to the public defender system lies with county attorneys, and that defenders (plus appointive defense counsel) exhibited no significant opposition to the system at all.[25] Defenders can

TABLE 13

REACTION TO INTRODUCTION OF THE PUBLIC DEFENDER SYSTEM INTO RESPONDENTS' DISTRICT AS CATEGORIZED BY RESPONDENTS' ROLES

	Respondents' Role		
	Judges	*Defenders*	*County Prosecutors*
Negative response	10.7%	4.6%	40.5%
Undecided ambiguous response	8.9	4.6	9.5
Positive response	80.4	90.9	50.0
Total	100.0% (N=56)	100.1% (N=44)	100.0% (N=84)
Statistical significance:	chi square = 30.94 p = .000		

TABLE 14

SYSTEM DESIGNATED BY JUDGES, DEFENDERS, AND COUNTY PROSECUTORS AS MOST EFFECTIVE SYSTEM IN PROVIDING INDIGENTS WITH COUNSEL

	Respondents' Role		
	Judges	*Defenders*	*County Prosecutors*
Appt. counsel system	7.1%	4.6%	20.2%
Ambivalent response	10.7	4.6	17.9
Public defender	82.1	90.9	61.9
Total	99.9% (N=56)	100.1% (N=44)	100.0% (N=84)
Statistical significance:	chi square = 15.62 p < .005		

certainly be expected to support their system. Indeed, expressed support of the system involves values of institutional and career survival. The relative proportion of defenders in the universe of respondents in each district cohort is thus of importance in determining what level of support is given the public defender system in each district cohort. For instance, the proportion of defenders is highest in Cohort B and lowest in Cohort D. To avoid any bias of the results by a relative overrepresentation of defenders in any district cohort, the tabulations comparing support against experience are made excluding defenders. The control of the "defender bias" is given in Tables 15 and 16 below. Elimination of the defenders from the universe of respondents did not materially alter the response patterns viewed across the four experience cohorts. The A–BC–D pattern of increasing support (in direction of A) is confirmed.

Other Independent Variables

Role and system experience are not the only independent variables considered. The judicial districts may be differentiated in terms of criminal activity and by socioeconomic variables. Respondents in given district cohorts can be defined as actors responding to particular variations in the criminal law process within the state. This assumes there is an association between policy in the administration of justice on one hand and criminal activity and the socioeconomic conditions which may underlie such activity on the other.

The most obvious process variables which may be hypothesized as affecting indigent counsel system preferences would be the volume of criminal cases necessarily handled by the participants in the criminal process. This is re-

TABLE 15

REACTION OF DISTRICT JUDGES AND COUNTY PROSECUTORS TO INTRODUCTION OF PUBLIC DEFENDER SYSTEM INTO THEIR DISTRICTS AS CATEGORIZED BY DISTRICT COHORTS

	Respondents' Cohort			
	A	*B*	*C*	*D*
Negative response	0.0%	28.8%	33.3%	43.3%
Undecided ambiguous response	0.0	8.5	3.3	23.3
Positive response	100.0	62.7	63.3	33.3
Total	100.0% (N=21)	100.0% (N=59)	99.9% (N=30)	99.9% (N=30)
Statistical significance:	gamma = .49	tau β = .30 p = .000	chi square = 26.89 p < .001	

TABLE 16

SYSTEM DESIGNATED BY DISTRICT JUDGES AND COUNTY ATTORNEYS AS MOST EFFECTIVE SYSTEM TO PROVIDE DEFENSE FOR INDIGENTS

	Respondents' Cohort			
	A	*B*	*C*	*D*
Appt. counsel system	0.0%	11.9%	13.3%	33.3%
Ambivalent response	0.0	17.0	6.7	30.0
Public defender	100.0	71.2	80.0	36.7
Total	100.0% (N=21)	100.1% (N=59)	100.0% (N=30)	100.0% (N=30)
Statistical significance:	gamma = -.53	tau β = -.32 p = .000	chi square = 27.41 p < .001	

flected in the volume of criminal cases handled within given jurisdictions (i.e., districts) and by the reported number of criminal cases handled by individual respondents for a given time period. With a growing volume of cases, the administrative problems of making appointments increase. High turnovers in defense personnel render more uncertain the processes of negotiation. A growing number of cases involves a greater variety of offenses and need for specialized and experienced criminal defense emerges. All these factors supposedly stimulate demand for public defender systems. Below are multivariate tables indicating the relationship of criminal process activity to reactions to the public defender system, and to the system rated most effective for the dispensation of justice. Table 17 covers the case load variables: the respondents' reported case load in criminal cases (felonies and gross misdemeanors) for the previous year, and the size of the criminal docket in district court in the respondents' districts (four-year average, 1964-67). Table 18 covers volume of crimes reported in respondents' districts (four-year average, 1964-67), the crime rate (per 1000 persons) in respondents' districts as based on total reported crimes, and increase of reported crimes in respondents' districts (1967 total over 1964 total).

Size of the criminal docket in the district court of the respondents' districts and respondents' individual criminal case loads were both significantly related to patterns of reaction to introduction of the public defender system. Crime rate for the district and volume of crime reported in the district also had a high relationship with defender system evaluation variables. Only the variable noting change in the number of reported crimes over four years presented an uneven fluctuation of values indicating that support given the defender system was not consistent with increasing crime rates. However, the respondents in the districts where the increase remained below 25% presented an unmistakably deviant pattern of opposition.

TABLE 17

REACTION TO INTRODUCTION OF PUBLIC DEFENDER SYSTEM INTO DISTRICT AND CRIMINAL PROCESS ACTIVITY IN RESPONDENTS' DISTRICTS[a]

Variable	*Negative Response* %	*Undecided Ambiguous Response* %	*Positive Response* %	*Total* %	
Respondents' individual criminal case load[b]					
low (0-10)	34.0	10.6	55.3	99.9	(N=47)
med (11-50)	30.1	9.6	60.2	99.9	(N=83)
high (over 50)	1.9	3.7	94.4	100.0	(N=54)
Statistical significance:	gamma = .53	tau β = .30 p = .000	chi square = 24.09 p = .000		
Size of dist. ct. criminal docket in respondents' district[c]					
low (under 200)	33.9	10.2	55.9	100.0	(N=59)
med (201-350)	23.2	9.5	67.4	100.1	(N=95)
high (351-800)	0.0	0.0	100.0	100.0	(N=30)
Statistical significance:	gamma = .51	tau β = .27 p = .000	chi square = 18.64 p < .001		

[a] The categories of the dependent variable are arrayed horizontally in order to accommodate several related independent variables in the same presentation.

[b] As reported to have been handled by respondent in year previous to interview.

[c] Based upon four year average (1964-1967) from "Criminal Dispositions" in First, Second, Third, and Fourth Annual Reports of Minnesota Courts, Office of the Administrative Assistant to the Supreme Court of Minnesota.

The responses of the interview subjects were also related to several selected standard socioeconomic variables associated with the district in which they operated. This was done to determine whether patterns of increasing or decreasing support for the public defender system could be associated with other social dimensions. A system of relationships is hypothesized between the basic socioeconomic characteristics of the respondents' residencies, the demands put upon the criminal law system (as expressed in volume of crimes and prosecutions), and choice of an indigent counsel system. This is indicated in simplified form in Figure 4.

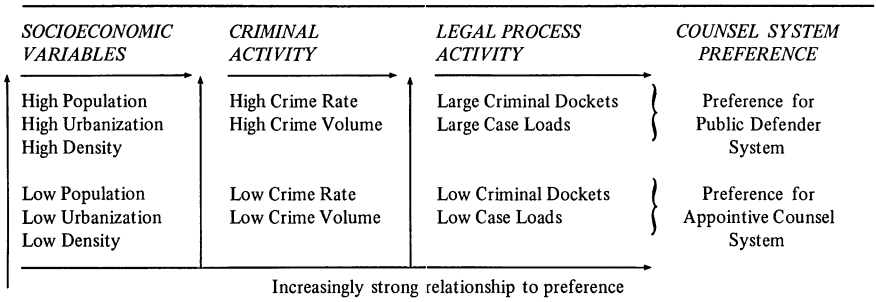

Figure 4. MODEL OF HYPOTHESIZED RELATIONSHIP BETWEEN RELEVANT VARIABLES AND CHOICE OF A DEFENSE COUNSEL SYSTEM

TABLE 18

CRIMINAL ACTIVITY IN RESPONDENTS' DISTRICTS AND REACTION TO INTRODUCTION OF PUBLIC DEFENDER SYSTEM INTO RESPONDENTS' DISTRICTS[a]

Variable	*Negative Response* %	*Undecided Ambiguous Response* %	*Positive Response* %	*Total* %	
Crimes reported in respondents' districts[b]					
very low (under 2000)	50.0	25.0	25.0	100.0	(N=20)
low (2000-4000)	26.8	3.7	69.5	100.0	(N=82)
med (4000-8000)	19.2	13.5	67.3	100.0	(N=52)
high (over 8000)	0.0	0.0	100.0	100.0	(N=30)
Statistical significance:	gamma = .51	tau β = .30 p = .000	chi square = 37.24 p = .000		
Crime rate in respondents' districts[c]					
low (0-10)	33.7	7.9	58.4	100.0	(N=89)
med (11-20)	18.5	12.3	69.2	100.0	(N=65)
high (over 20)	0.0	0.0	100.0	100.0	(N=30)
Statistical significance:	gamma = .26	tau β = .13 p < .001	chi square = 4.66 p < .05		
Increase in crime in respondents' districts					
under 25%	50.0	25.0	25.0	100.0	(N=20)
26-35%	18.5	2.5	79.0	100.0	(N=81)
36-45%	14.3	4.1	81.6	100.0	(N=49)
Above 45%	29.4	17.7	52.9	100.0	(N=34)
Statistical significance:	gamma = .10	tau β = .07 p > .10	chi square = 33.45 p = .000		

[a] The categories of the dependent variable are arrayed horizontally in order to accommodate several related independent variables in the same presentation.

[b] All data was obtained from the Annual Uniform Crime Reports compiled by the Bureau of Criminal Apprehension, State of Minnesota, St. Paul, Minnesota. A four-year average is computed for 1964-1967.

[c] Crime rate is crimes reported per 1000 population.

Table 19 below indicates the relationship of selected socioeconomic variables (employing the respondents' districts as the relevant units of analysis) to patterns of support given the public defender system through the counsel preference variables (i.e., reaction to the fact of the introduction of the public defender system into the respondents' district. The variables indicating the strongest relationship to the counsel preference variable were population of district (for 1967), degree of urbanization in the district (percentage of population living in communities over 2500), and population density. The variables of migration (percentage of population with less than ten years residence in county) and population growth (increase or decrease of district population from 1960-65) were tested for association with the patterns of support exhibited through the counsel preference variables. These were found to demonstrate a pattern of association which was not significant on the tau β measures which are the critical statistics in measuring the uniformity and consistency of a change in the counsel preference variables through the ranked

categories of the socioeconomic variables. These were not included in our tables. We also tested the variable of rural farm population (percentage of district population actually living on farms) but the results mirrored those obtained on the urbanization variable. It is regarded as a redundant measure and is not included in our tables.

Another variable which indicated a decided geographical pattern for the respondents' reaction to the introduction and effective systems questions was that of county population. This was an added check upon the socioeconomic variables focusing upon the district as the relevant unit of analysis. The districts themselves comprise a varied aggregation of smaller legal jurisdictions, the counties. The number of counties associated with each judicial district is as follows: 1(7); 2(1); 3(11); 4(1); 5(15); 6(4); 7(10); 8(13); 9(17); and 10(8). The variation of county population within given districts is considerable. A district of average population (e.g., 300,000-400,000) includes counties that are highly rural with no population centers to speak of and counties

TABLE 19

REACTIONS TO INTRODUCTION OF PUBLIC DEFENDER SYSTEM INTO RESPONDENTS' DISTRICT IN RELATION TO SELECTED SOCIOECONOMIC CONDITIONS IN RESPONDENTS' DISTRICTS[a]

Variable	*Negative Response* %	*Undecided Ambiguous Response* %	*Positive Response* %	*Total* %	
Population of respondents' district					
under 200,000	50.0	25.0	25.0	100.0	(N=20)
201-300,000	20.7	4.9	74.4	100.0	(N=82)
301-400,000	28.9	11.5	59.6	100.0	(N=51)
above 400,000	0.0	3.6	96.4	100.0	(N=30)
Statistical significance:	gamma = .40	tau β = .23 p = .000	chi square = 36.32 p = .000		
Urbanization of respondents' district					
low (0-30%)	37.8	15.6	46.7	100.1	(N=45)
med (31-60%)	27.5	7.7	64.8	100.0	(N=91)
high (above 60%)	0.0	2.1	97.9	100.0	(N=48)
Statistical significance:	gamma = .39	tau β = .36 p = .000	chi square = 30.73 p = .000		
Population density of respondents' district					
low (0-40)	28.0	7.5	64.5	100.0	(N=107)
med (41-80)	25.5	14.9	59.6	100.0	(N=47)
high (above 80)	0.0	0.0	100.0	100.0	(N=30)
Statistical significance:	gamma = .36	tau β = .18 p < .001	chi square = 18.50 p < .001		

[a] Data is obtained from the County and City Data Book (1962) with data from the 1960 Federal Census, Washington, D.C.: Government Printing Office. Population figures are obtained from Population Estimates, Minnesota, 1 July 1967 published by the Department of Health, Section on Vital Statistics, St. Paul, Minnesota. The categories of the dependent variable are arrayed horizontally in order to accommodate several related independent variables in the same presentation.

whose main population is that of a sizable small city (40,000-100,000). Defenders and district judges generally cover an entire district (or at least a region of several counties within their district) while county prosecutors remain tied to the criminal law processes within their own county. The population variable must thus be tied to county population to more truly associate respondents with the socioeconomic conditions under which they individually operate. Table 20 below gives an indication of the association of the respondents' county population with the preferences and reactions made during the interview. This table indicates one of the most consistent and uniform trends of increasing support discovered in this analysis.

TABLE 20

RESPONDENTS' COUNTY POPULATION AND THEIR REACTIONS TO INTRODUCTION OF PUBLIC DEFENDER SYSTEM INTO THEIR DISTRICT

County Population[a]	*Negative Response* %	*Undecided Ambiguous Response* %	*Positive Response* %	*Total* %
under 10,000	50.0	0.0	50.0	100.0 (N=14)
10,001-20,000	32.4	16.2	51.4	100.0 (N=37)
20,001-40,000	30.4	7.1	62.5	100.0 (N=56)
40,001-100,000	15.4	15.4	69.2	100.0 (N=26)
above 100,000	3.9	2.0	94.1	100.0 (N=51)
Statistical significance:	gamma = .50	tau β = .31 p = .000	chi square = 31.67 p < .001	

[a] County populations are adjusted to reflect 1967 levels. From Population Estimates, 1 July 1967 by the Department of Health, Section of Vital Statistics. The dependent variable is arrayed horizontally in order to accommodate the several categories of this variable.

A review of the socioeconomic and social background factors reveals the high association of a number of characteristics with negative reactions to the introduction of a public defender system into the respondent's district. These included lower population of the respondent's district, lower urbanization levels, lower volumes of crimes reported, lower crime rates in the respondents' districts and lower case loads. The isolation of these factors indicates a convergence of these factors in the respondent. This is substantiated by the very strong relationship between some of the socioeconomic factors with criminal activity and legal process activity factors. For instance, urbanization is positively associated with crime volume, the crime rate, the district's criminal docket, and case load to a very high degree. Figure 5 below indicates the degree of positive association.

The convergence of social background characteristics can best be illustrated by a description of the typical respondent expressing an unfavorable view toward the introduction of the public defender system into his district. A review of the negative reactions reveals that 80.95% of such responses originated with county attorneys.

	Chi Square	*Gamma*	*p*
Urbanization x crimes reported	203.89	1.00	.000
Urbanization x crime rate	61.11	1.00	.000
Urbanization x criminal docket	116.98	.75	.000
Urbanization x case load	64.43	.61	.000

Figure 5. RELATIONSHIPS BETWEEN URBANIZATION AND CRIMINAL PROCESS VARIABLES

TABLE 21

FINAL REACTIONS OF COUNTY ATTORNEYS TO PUBLIC DEFENDER SYSTEM AS RELATED TO LEVEL OF URBANIZATION IN RESPONDENTS' DISTRICT

	Level of Urbanization		
	Low (0-30%)	*Med (31-60%)*	*High (above 60%)*
Negative uncertain responses	64.3%	46.9%	14.3%
Positive responses	35.7	53.1	85.7
Total	100.0% (N=28)	100.0% (N=49)	100.0% (N=7)
Statistical significance:	gamma = .46	tau β = .24 $p < .001$	chi square = 6.05 $p < .05$

TABLE 22

FINAL REACTIONS OF COUNTY ATTORNEYS TO PUBLIC DEFENDER SYSTEM AS RELATED TO CRIME VOLUME IN DISTRICT

	Crimes Reported in Respondents' District			
	Under 2000	*2001-4000*	*4001-8000*	*Above 8000*
Negative uncertain responses	75.0%	47.9%	45.5%	0.0%
Positive responses	25.0	52.1	54.6	100.0
Total	100.0% (N=12)	100.0% (N=48)	100.1% (N=22)	100.0% (N=2)
Statistical significance:	gamma = .33	tau β = .18 $p < .01$	chi square = 5.26 $.05 > p < .10$	

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Focusing upon the distribution of county attorney responses in relation to the socioeconomic and criminal activity dimensions, we find that a sizable proportion of the negative and hesitant responses are centered in a typical respondent, who is a county prosecutor and who resides in a district with a low level of urbanization and a low crime volume. It is also likely that he has a low case load. Tables 21, 22, and 23 indicate the convergence of background characteristics in respondents expressing negative or ambivalent reactions. The tables have combined the negative and ambivalent responses and show the responses for county attorneys only.

TABLE 23

FINAL REACTIONS OF COUNTY ATTORNEYS TO PUBLIC DEFENDER SYSTEM AS RELATED TO COUNTY ATTORNEYS' CASE LOADS

	Criminal Case Load (felonies and gross misdemeanors)		
	Low (0-10)	*Med (11-50)*	*High (over 50)*
Negative uncertain responses	54.6%	56.4%	16.7%
Positive responses	45.5	43.6	83.3
Total	100.1% (N=33)	100.0% (N=39)	100.0% (N=12)
Statistical significance:	gamma = .28	tau β = .16 $p < .02$	chi square = 6.25 $p < .05$

In addition to the socioeconomic variables which were linked to the respondents' reactions, social and professional background characteristics were also tested for association with the response patterns on the counsel preference variables. Two multivariate tables explore relationships on these dimensions. Table 24 explores social background characteristics and includes the variables of age (categorized into attorneys below 40 and those above 40); family background (indicating whether the father of the respondent had a legal profession, a business or professional occupation, a blue collar or service occupation, or a farmer occupation); geographical background (indicating whether the respondent was reared in a rural background [on farm or in community of less than 5000], a small city, or in an urban metropolitan area). The tables indicate that family background is the only variable which shows a significant relationship and the pattern which elicits interest is not the distribution of negative or positive reactions but the increasing tendency for the respondent to supply an ambivalent response as one encounters blue collar or farm background characteristics.

In Table 25, professional background characteristics are examined. These include the respondents' law school backgrounds (a subpopulation comparison

of the responses of University of Minnesota graduates and Wm. Mitchell graduates), the respondents' tenures in their present office (dichotomized into service of less than three and more than three years), defense counsel experience (dichotomized into a history of handling less than ten cases per year or more than ten cases per year), and prosecutorial experience (dichotomized into service of less than one term in a prosecutorial position or more than one term). In the last-named two variables experience covered the respondents' full

TABLE 24

SOCIAL BACKGROUND CHARACTERISTICS OF RESPONDENTS AND REACTIONS TO INTRODUCTION OF PUBLIC DEFENDER SYSTEM INTO DISTRICT[a]

Variable	*Negative Response* %	*Undecided Ambiguous Response* %	*Positive Response* %	*Total* %
Age				
low (21-40)	18.2	10.6	71.2	100.0 (N=66)
high (above 40)	25.4	6.8	67.8	100.0 (N=118)
Statistical significance:	gamma = .11	tau β = .05 $p > .10$	chi square = 1.80 $p > .20$	
Family background				
legal	19.4	3.2	77.4	100.0 (N=31)
bus.-prof.	23.0	9.5	67.6	100.1 (N=74)
blue collar	18.8	4.2	77.1	100.1 (N=48)
farmer	31.0	20.7	48.3	100.0 (N=29)
Statistical significance:	gamma = -.16	tau β = -.10 $p > .05 > .10$	chi square = 11.32 $p < .05$	
Geographical background				
rural	21.7	12.1	66.3	100.1 (N=83)
small city	32.0	6.0	62.0	100.0 (N=50)
metropolitan	16.3	6.1	77.6	100.0 (N=51)
Statistical significance:	gamma = .13	tau β = .07 $p > .05$	chi square = 6.88 $p < .05$	

[a] Data was obtained from personal interviews with all respondents. The categories of the dependent variable are arrayed horizontally in order to accommodate several related independent variables in the same presentation.

legal careers. Judges are categorized as to their orientation to defense or prosecutorial activity on the basis of experience prior to elevation to the bench. The tables indicate tenure, defense experience, and prosecutorial experience, permitting one to differentiate response patterns in terms of the categories of these professional background variables. The statistics indicate that the strength of these relationships is weaker than those obtained in an examination of either the criminal process activity variables or the selected socioeconomic variables.

TABLE 25

PROFESSIONAL BACKGROUND CHARACTERISTICS OF RESPONDENTS AND REACTION TO INTRODUCTION OF PUBLIC DEFENDER SYSTEM INTO DISTRICT[a]

Variable	*Negative Response* %	*Undecided Ambiguous Response* %	*Positive Response* %	*Total* %	
Law school					
U. of Minn.	26.6	7.5	66.0	100.1	(N=94)
Wm. Mitchell	18.0	8.2	73.8	100.0	(N=61)
Statistical significance:	gamma = .18	tau β = .09 p > .10TT	chi square = 1.52 p > .45TT		
Tenure					
low (under 3 yrs.)	15.3	2.4	82.4	100.1	(N=85)[b]
high (above 3 yrs.)	29.4	12.0	58.7	100.1	(N=92)
Statistical significance:	gamma = -.48	tau β = -.24 p = .000	chi square = 12.94 p < .005TT		
Defense experience					
low (under 10 cases a yr.)	26.5	9.9	63.6	100.0	(N=121)
high (above 10 cases a yr.)	14.8	4.9	80.3	100.0	(N=61)
Statistical significance:	gamma = .37	tau β = .16 p = .00	chi square = 5.32 p < .05		
Prosecutorial experience					
low (under 1 term)	16.5	4.1	79.4	100.0	(N=97)
high (over 1 term)	29.9	12.6	57.5	100.0	(N=87)
Statistical significance:	gamma = -.43	tau β = -.22 p = .000	chi square = 10.88 p < .01		

[a] Data was obtained from personal interviews held with all respondents. The categories of the dependent variable are arrayed horizontally in order to accommodate several related independent variables in the same presentation.

[b] Excluded from the universe of respondents were the appointive counsel people interviewed in Districts 3 and 8. They hold no official position.

SUMMARY

The impact of the introduction of the Minnesota public defender system has been analyzed here in terms of selected criminal process variables, financial measures, and attitudes of personnel positioned in the judicial district system. Analysis of the process variables indicates that changes in the process outputs were registered for the period of 1966-67 which marked simultaneously the introduction of the public defender system into several districts and the Minnesota Supreme Court's development of a system of pretrial proceedings to be used routinely as review mechanisms. This period saw

changes in the process outputs (i.e., dismissals and acquittals) which corresponded to expectations under a system increasing its emphasis of due process values. The changes were also noted for our control group of nondefender districts. In one of the cohorts introducing the system during this period, the trial rate went up dramatically. This may represent an adjustment period in which newly appointed public defenders sought to optimize due process goals in accordance with the high value placed on the trial as a review mechanism. The results appear to indicate that the general redirection of criminal justice policy by the Minnesota Supreme Court, the introduction of district public defender systems, and the creation of a statewide defender system to handle appeals all have influenced the patterns of criminal process outputs. A coattail effect in which the appointive personnel in the nondefender districts may have changed their defensive tactics to conform with tactics adopted in the defender districts is also to be considered. The results point up the need for additional indicators of legal process activity to gauge due process orientation. Particular stress should be put on the measurement of the scope and intensity of activity at the pretrial level (preliminary hearings, bail hearings, evidentiary hearings) which intensifies review of police and prosecutor behavior. The need is also seen for the development of a set of indicators which measure the quality of defense activity.

The financial measures also indicated a change in 1966 and 1967 in public policy on indigent counsel services. The newly established defender districts rank ahead of the others in raising the level of support accorded the defense of the indigent accused. Both the process variables analysis and the financial analysis reveal that the metropolitan systems–with their long-established defender offices, tenured personnel, and routinized procedures for the handling of a large volume of criminal cases–have demonstrated little change in terms of process outputs or allocations of resources to defender activity. Change in this instance is limited and incremental.

The reaction surveys show that amount of support for the system is positively related to experience with the system. Negative and uncertain reactions to the public defender system are dominant only in the nondefender districts. Anticipations of a change in the system (and changes in defense counsel behavior) thus play a greater part in stimulating resistance to the system than experience under a public defender system. There is also a greater propensity to favor an appointive or hybrid system of defense (defenders to operate only in certain centers) where socioeconomic and criminal activity factors would tend to pit specialized defenders handling high volumes of criminal cases against prosecutors who handled relatively smaller criminal case loads. Reluctance to accept or fully support the public defender system is thus related to the issue of maintaining a balance between adversary opposites in terms of experience and familiarity in handling criminal matters. The last conclusion appears warranted on the basis of additional consequences which

have followed from the public defender system's introduction. In 1967, two years after the inception of the defender program, state officials under the leadership of the Minnesota Judicial Council applied to Washington for a grant to establish a pilot district prosecutor program to strengthen prosecutorial skills and resources and to assist county attorneys who handle relatively few criminal cases. District prosecutors have, in fact, been installed in the ninth and fifth judicial districts in 1968. Most see this move as a response to the success of the public defender program.

NOTES

1. For a useful bibliography on defense of the poor (largely from a legal perspective) see Oaks and Lehman (1968: 5). A study of the legal and policy prerequisites for the Minnesota program was made by Kamisar and Choper (1963). The most comprehensive survey of all problems related to the defense of the poor is found in Silverstein (1964, 1965). Also see Paulsen (1965).

2. Three problem areas form the basis of this research. Recent efforts in local and comparative state politics have been directed toward the identification, measurement, and analysis of relevant policy outputs in the political process. The seminal work in this field is Dawson and Robinson (1965). A representative selection of the work in this field may be found in Crew (1967). Compare Lineberry and Fowler (1967) and Eyestone (1968). Students of the judicial process increasingly argue the importance of studying judicial units other than the Supreme Court. Vines (1965) cites abundant evidence that state judicial systems are largely ignored in research of judicial systems. The juridical institutions which are ancillary to the courts have also been generally bypassed by researchers. Finally, comparative politics specialists are beginning to question the lack of linkage between "theories," aggregate data, and political behavior. For one such attempt to deal with this problem see Benjamin and Kautsky (1968).

3. Minnesota Statutes 1965, Sections 611.22-611.29 as amended by Laws 1967, Chapter 696. Many reasons lie behind the decision to introduce the public defender on a statewide basis in Minnesota. The most frequently voiced opinion by respondents centered on the increasing number of convicts submitting appeals and petitions for post-conviction remedies directly to the Minnesota Supreme Court. The Judicial Council and the Supreme Court also felt that too many criminal cases on appeal contained reversible error traceable to oversight of defense counsel or to nullifying actions of police and prosecutor which were not challenged by defense counsel. Other reasons more closely related to national trends in the administration of justice were also operative. The series of U.S. Supreme Court decisions beginning with Griffin v. Illinois and proceeding through Miranda v. Arizona has highlighted the extension of remedies to indigent accused. Both the expansion of public defender systems and the decisions of the U.S. Supreme Court in criminal law taken together point to a growing concern with the achievement of equality in the criminal process: "In Gideon, the imposition of a duty on the State to provide the

same access to counsel for those who cannot afford to hire an attorney as for those who can; in Escobedo and Miranda, the duty to equalize between those who are aware of their constitutional rights and those who are not, the opportunity for access to counsel prior to interrogation that may result in invocation of fifth amendment rights" (Deutsch, 1968: 224-225).

4. For a detailed description of all aspects of the public defender system, see Jones (1967).

5. On the importance of occupation and other professional socialization experience, see Hughes (1968).

6. For more information on the concept of organizational goals, see Gore (1964) and Richardson (1968: 424-432).

7. For similar views of defender behavior, see Sudnow (1965) and Blumberg (1965).

8. In Minnesota since 1965, several procedures have been provided whose specific purposes are the test of due process questions. The Rasmussen proceeding (see State ex rel Rasmussen v. Tahash as expanded in State v. Keiser and State v. Richter) provides that hearings be held to determine the issue of admissibility whenever the state seeks to introduce evidence (including derivative evidence or fruits of a search) which has been obtained as a result of a search or seizure or through a confession or admission. The Spriegl hearing (see State v. Spriegl as expanded by State v. Billstrom) establishes the requirement that a hearing on the issue of admissibility must be held where the State seeks to introduce evidence of additional crimes and misconduct on other occasions. In either case the state must give notice to the Court of its intent to introduce such evidence, and the Court informs the defense that it may elect to test admissibility in pretrial hearings held in open court with defendant present.

9. The question of defense counsel effectiveness lies outside the due process issues raised by Packer.

10. Data gaps obviated the testing of several of the hypotheses indicated in the discussions above. For instance, statistics on the number of clients released on bond and on personal recognizance were available from public defender districts (from defender files), but not from those districts for the period prior to adoption of the system or from nondefender districts. Except for two districts, statistics were not available to show the extent of the use of preliminary hearings and other pretrial procedures. Similarly, information on the proportion of accused pleading guilty at initial stages of the process (i.e., the arraignment) is available only for two districts.

11. In Minnesota, retained counsel handle some 35% of all felony and gross misdemeanor defenses. It was not possible to exclude from our populations of case outputs those cases handled by retained counsel. However, the effect of these cases in the analysis is to regress any change toward the mean,—i.e., the magnitude of the change is less than if the retained counsel cases were excluded. If we err in measuring impact, we err on the conservative side.

12. A cohort is a population of similar social units that is exposed at some *specific time* to some similar environmental stimuli. Age, tenure, experience in regard to a common influence or relationship mark the differences between different cohorts. As a research concept it indicates more than an aggregate but does not indicate the group relationships common to members of a social organization. For a discussion of this concept as an analytic device see Ryder (1965).

13. For specific judicial district differences in terms of population, urbanization, median income, and other socioeconomic variables see Benjamin and Pedeliski (1968b). County and regional data is found in Hoyt (1967).

14. We chose 1964 as the base year for our trend study because this was the first year that statistics on certain elements of the criminal law process became available through the reports of the Office of the Administrative Assistant to the Supreme Court of

Minnesota. Also, 1964 represents the beginning of a new era in criminal justice. With the announcement of Douglas v. California, Draper v. Washington, and Gideon v. Wainwright on 18 March 1963, steps were taken at national and state levels with increasing frequency to change the criminal-law process in the direction of a due process orientation through the statement of new norms in judicial decisions and through the restructuring of systemic elements. Chief Justice Knutson in fact pointed to the three decisions above as the main stimulus to the judiciary campaign for the establishment of a State Public Defender to handle appeals and a statewide defender system at the trial level (Remarks, 7 December 1965).

15. Each district has about the same distribution of part-time and full-time county prosecutors. Cities of from 10,000 to 50,000 (which would reflect different criminal activity patterns) are distributed to a similar degree in the defender and nondefender cohorts.

16. The data on acquittals must be interpreted cautiously. This is indicated by the wide fluctuations from year to year for some of the district cohorts. In Cohort D the fluctuations are also magnified by low N's.

17. For a discussion of the utilization of expenditure levels as indicators of policy trends, see Dye (1966).

18. The concepts of redistributive, distributive, and regulatory decisions originated with Lowie (1964).

19. Derived by dividing the yearly cost of the system in the district by the number of indigent cases handled by the defenders. We assume that over a large number of cases there will be a similar distribution within each district of major or complex cases demanding heavy expenditures and of routine cases.

20. This method of remuneration differs from that for the payment of appointive counsel fees. Remuneration in that instance is post hoc and is made after the apointee submits his fee and expenses to the trial judge for approval.

21. It is noted that allocations to these two agencies are made at different levels. Financial support of county attorneys' offices is determined by county boards of commissioners. Support of the defender system is extended through the district Court. The district public defender petitions the district judges of his district for funds to operate in the succeeding year. The district judges review and approve the submitted budget and assess costs to the counties on the basis of population or the previous year's case load. Court orders are then served on the county governments requesting payment on the amount of the assessments.

22. With all following tables and tests of association we report the nonparametric tests of significance: the gamma, Kendall's tau and chi square to indicate the strength of the relationship under analysis. We also note that the class of respondents represents a universe and not a sample. Of the 193 possible respondents (all county attorneys, defenders and district judges in the state at time survey commenced) we were able to interview 184. This we feel constitutes a coverage sufficient to warrant treatment of the population of respondents as the full universe.

23. The responses reflecting original reactions to the plan must of course be interpreted cautiously. One must take into account a certain amount of inaccurate memory, retroactive inhibition, and motivated forgetting. In districts where the system has apparently been successful one must take into account the probability of favorable responses in hindsight (see Young, 1966). We necessarily took the responses of the subjects at face value. The respondents were quite candid in their discussion of criminal law issues and the conduct of the criminal law process in their districts. One could expect the retrospective responses on first impressions of the system to reflect the same candor.

24. For a discussion of the ways in which subjects express cognitive dissonance and of the techniques by which they move to reduce this dissonance see Festinger (1957) and Brehm and Cohen (1962).

25. The defenders who had reservations about the system or preferred an alternative system were in all cases defense counsel people who were interviewed in the nondefender districts. In the absence of public defenders in these districts we obtained from the district judges a list of those who had done a significant amount of appointive defense work in the district. We then sampled these lists to obtain a representation of defender views in those districts.

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