

2020 Regular Session

HOUSE RESOLUTION NO. 15

BY REPRESENTATIVE DUPLESSIS

A RESOLUTION

To recognize March 18, 2020, as Gideon Day in Louisiana and to commend Louisiana's public defenders.

WHEREAS, since the birth of this nation, Americans have held to a healthy fear of the tendency of governments to infringe on the liberties of citizens; recognizing that the criminal trial was one place where such abuse could occur, the First Congress of the United States included the following in its list of constitutional protections known as the Bill of Rights: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence"; and

WHEREAS, though the fourteenth amendment to the constitution prohibited states from depriving a person of life, liberty, or property without due process of law, the federal courts were slow to determine that the right to the assistance of counsel was a fundamental right and was therefore applicable to state criminal trials; and

WHEREAS, in 1961 Clarence Earl Gideon, a drifter with an eighth grade education, was arrested in Florida for a burglary at a pool hall; Gideon stood trial without assistance of counsel and was convicted; from jail Gideon sent handwritten appeals to the Florida and United States supreme courts arguing that his conviction was unconstitutional because he was denied his right to counsel; and

WHEREAS, the U.S. Supreme Court accepted Gideon's appeal and unanimously decided that he was right, the fourteenth amendment did make the assistance of counsel provision of the sixth amendment applicable to the states; Justice Black, writing for the

court, stated "reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him"; and

WHEREAS, Gideon was retried in Florida with a court appointed attorney and found not guilty; as United States Attorney General Robert Kennedy noted in 1963, "If an obscure Florida convict named Clarence Earl Gideon had not sat down in prison with a pencil and paper to write a letter to the Supreme Court, and if the Supreme Court had not taken the trouble to look for merit in that one crude petition among all the bundles of mail it must receive every day, the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter. The Court did look into his case and he was retried with the help of a competent defense counsel, found not guilty, and released from prison after two years of punishment for a crime he did not commit, and the whole course of American legal history has been changed"; and

WHEREAS, Louisiana's public defenders implement sixth amendment principles and the *Gideon v. Wainwright* decision in people's lives; in defending the indigent, they uphold the constitution, protect the rights of citizens, hold the powerful accountable, and ensure equal justice; in short, Louisiana's public defenders protect the rights of citizens in a way that makes the Constitution of the United States more than a "parchment" barrier; and

WHEREAS, it is most fitting to take a moment to call to mind all that the name Gideon represents in our nation's struggle to achieve its highest ideals and to commend those who in pursuit of those ideals advocate for fair treatment of all citizens, including the indigent.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby recognize March 18, 2020, as Gideon Day in Louisiana; does hereby commend Louisiana's public defenders and all those who support their work; and does hereby express, on behalf of the people of Louisiana, profound gratitude to public defenders for their commitment and courage.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES