



2013 ASSEMBLY JOINT RESOLUTION 70

October 28, 2013 - Introduced by Representatives MASON, GOYKE, BERCEAU, RINGHAND, OHNSTAD, BARNES, BILLINGS, RIEMER, HINTZ, JOHNSON, KOLSTE, WRIGHT, SARGENT, C. TAYLOR, HEBL, POPE, YOUNG, HESSELBEIN, ZEPNICK, GENRICH, DOYLE, WACHS, SMITH, CLARK, BEWLEY, VRUWINK, BARCA, DANOU, PASCH, JORGENSEN, SINICKI, BIES, KAHL, HULSEY and KESSLER, cosponsored by Senators HARRIS, RISSER, SHILLING and L. TAYLOR. Referred to Committee on Rules.

1 **Relating to:** the 50th anniversary of the landmark *Gideon v. Wainwright* decision
2 and the right to counsel.

3 Whereas, the Sixth Amendment to the United States Constitution provides, “In
4 all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance
5 of Counsel for his defence”; and

6 Whereas, on March 18, 1963, the United States Supreme Court unanimously
7 ruled in *Gideon v. Wainwright* that the right to counsel in a criminal trial is a
8 fundamental constitutional right enshrined in the Sixth Amendment’s guarantee to
9 a fair trial; and

10 Whereas, the Supreme Court’s decision recognized that access to a lawyer is
11 essential to ensuring that criminal trials are fair and ruled that the states must
12 provide a lawyer to criminal defendants who cannot afford to hire one; and

13 Whereas, Clarence Earl Gideon was forced to represent himself in a criminal
14 trial because he could not afford to hire a lawyer and the state of Florida refused to
15 provide one for him, resulting in his incarceration for a crime he did not commit; and

1 Whereas, from a prison cell in Rainford, Florida, Mr. Gideon wrote a
2 handwritten letter to the United States Supreme Court and successfully petitioned
3 the Supreme Court to ensure that all people, regardless of income, have access to a
4 competent defense attorney when facing criminal prosecution; and

5 Whereas, amid the stacks of petitions and letters the Supreme Court receives
6 each day the court read Mr. Gideon's petition, granted certiorari, and ultimately
7 reversed Mr. Gideon's conviction; and

8 Whereas, Mr. Gideon fundamentally changed the face of the American legal
9 system by successfully arguing that the Constitution ensures the right of a poor
10 person to have an attorney appointed to defend him or her in a criminal case; and

11 Whereas, even before the landmark *Gideon* decision Wisconsin recognized the
12 obligation to provide legal assistance to those who cannot afford it; and

13 Whereas, article I, section 7 of the Wisconsin Constitution provides that all
14 defendants in all criminal prosecutions in Wisconsin shall enjoy the right to counsel;
15 and

16 Whereas, to guarantee this right Wisconsin created the Office of the State
17 Public Defender as an independent executive-branch agency; and

18 Whereas, since 1978 the State Public Defender has been competently and
19 zealously protecting the individual rights of the accused and fulfilling the state's
20 Sixth Amendment obligation; and

21 Whereas, the State Public Defender is recognized nationally and
22 internationally as a model program in the field of defender services; and

23 Whereas, as the *Gideon* decision so aptly noted, the "noble ideal [of our justice
24 system] cannot be realized if the poor man charged with crime has to face his accusers
25 without a lawyer to assist him"; now, therefore, be it

