

2020 Regular Session

HOUSE RESOLUTION NO. 15

BY REPRESENTATIVE DUPLESSIS

SPECIAL DAY/WEEK/MONTH: Recognizes March 18, 2020, as Gideon Day in Louisiana

1 A RESOLUTION

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

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

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

18 WHEREAS, in 1961 Clarence Earl Gideon, a drifter with an eighth grade education,
19 was arrested in Florida for a burglary at a pool hall; Gideon stood trial without assistance of
20 counsel and was convicted; from jail Gideon sent handwritten appeals to the Florida and

1 United States supreme courts arguing that his conviction was unconstitutional because he
2 was denied his right to counsel; and

3 WHEREAS, the U.S. Supreme Court accepted Gideon's appeal and unanimously
4 decided that he was right, the fourteenth amendment did make the assistance of counsel
5 provision of the sixth amendment applicable to the states; Justice Black, writing for the
6 court, stated "reason and reflection require us to recognize that in our adversary system of
7 criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be
8 assured a fair trial unless counsel is provided for him"; and

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

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

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

28 THEREFORE, BE IT RESOLVED that the House of Representatives of the
29 Legislature of Louisiana does hereby recognize March 18, 2020, as Gideon Day in
30 Louisiana; does hereby commend Louisiana's public defenders and all those who support

1 their work; and does hereby express, on behalf of the people of Louisiana, profound
2 gratitude to public defenders for their commitment and courage.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 15 Original

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Duplessis

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