

SENATE RESOLUTION
8638

By Senators Kline, Padden, Schlicher, Mullet, Kohl-Welles, Darneille, Eide, Hobbs, Keiser, Chase, Fain, Pearson, Smith, Harper, Murray, Conway, Hasegawa, Ranker, Fraser, Nelson, Cleveland, and McAuliffe

WHEREAS, In 1961 an obscure, penniless drifter was criminally charged with breaking into the Bay Harbor Poolroom in Panama City, Florida, and stealing approximately \$65 in change, 12 beers, 12 Coca-Colas, and four fifths of wine; and

WHEREAS, The trial court denied the indigent man's request for a lawyer to help him defend against the felony charges and convicted and sentenced Clarence Earl Gideon to five years in state prison, and the Florida Supreme Court declined his appeal; and

WHEREAS, From prison, again without a lawyer, Mr. Gideon mailed the United States Supreme Court a humble, hand-printed petition asking the High Court to find that he was deprived of a fair trial because he was denied assistance of legal counsel; and

WHEREAS, Washington State, whose State Constitution guarantees the right to counsel in Article 1, Section 22, was among 22 states that submitted amicus curiae briefs supporting Mr. Gideon's right to a court-appointed lawyer; and

WHEREAS, 50 years ago, in March 1963, the United States Supreme Court announced a unanimous decision in *Gideon v. Wainwright*, establishing as the law of the land that the United States Constitution's Sixth Amendment guarantee of legal counsel is a fundamental right of all persons, essential to a fair trial, and is applied to the states through the due process requirements of the Fourteenth Amendment; and

WHEREAS, As Justice Hugo Black wrote for the court, "The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours"; and

WHEREAS, As a result of the ruling, the state of Florida granted Mr. Gideon a new trial in August 1963, where a court-appointed lawyer was able to present crucial evidence and the jury found Mr. Gideon not guilty; and

WHEREAS, Subsequent United States and Washington Supreme Court rulings have maintained the right to counsel, and have held that the right to counsel means the right to competent, effective counsel; and

WHEREAS, Although the functions of the three branches of Washington State Government differ, they complement one another in regards to the pursuit of justice: Their purpose is to assure the fair and impartial trial of those accused of crime, whether the result be conviction or acquittal;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate the March 18 anniversary of *Gideon v. Wainwright*, marking a significant step toward ensuring that in America, regardless of material wealth or personal privilege, all persons facing the deprivation of liberty at the hands of the government are guaranteed due process and the right to effective assistance of counsel to defend themselves.

I, Hunter G. Goodman, Secretary of the Senate,
do hereby certify that this is a true and
correct copy of Senate Resolution 8638,
adopted by the Senate
April 18, 2013

HUNTER G. GOODMAN
Secretary of the Senate