

By: West

S.C.R. No. 33

1 SENATE CONCURRENT RESOLUTION

2 WHEREAS, The 88th Legislature of the State of Texas is
3 pleased to recognize the 60th anniversary of the momentous United
4 States Supreme Court decision rendered in *Gideon v. Wainwright*,
5 which established the legal precedent that affirmed a criminal
6 defendant's right to state appointed counsel and thereby
7 transformed the nation's criminal justice system; and

8 WHEREAS, On March 18, 1963, the United States Supreme Court
9 unanimously decided that the Constitution of the United States
10 requires states to provide counsel in criminal cases for all
11 indigent defendants who are charged with a felony and who cannot
12 afford to hire private representation; and

13 WHEREAS, In that hallmark case, the court reaffirmed the
14 right that defendants have to a fair trial, and it further
15 acknowledged that the adversarial system serves as an effective
16 means of arriving at fair results only when both sides are
17 adequately represented and are allowed to have the resources
18 necessary to present their case effectively; and

19 WHEREAS, In the words of Justice Hugo Black, author of the
20 unanimous decision, "The right of one charged with crime to counsel
21 may not be deemed fundamental and essential to fair trials in some
22 countries, but it is in ours"; and

23 WHEREAS, The Supreme Court has expanded on its rationale in
24 *Gideon* to ensure the right to counsel for indigent defendants in

1 juvenile cases and in all cases where the defendant faces the
2 possibility of incarceration; and

3 WHEREAS, In light of the foregoing Constitutional mandates,
4 Texas passed the *Fair Defense Act of 2001* to better ensure that the
5 constitutional rights of all Texans are protected; the success of
6 the Fair Defense Act is seen in the many persons receiving public
7 defense services and earlier access to counsel along with the
8 improved quality of service in the State of Texas; and

9 WHEREAS, The Fair Defense Act gave birth to the Task Force on
10 Indigent Defense, now called the Texas Indigent Defense Commission,
11 which protects the right to counsel and improves Texas public
12 defense; the commission has succeeded through the creation of
13 several new public defender offices and Managed Assigned Counsel
14 programs that provide public defense services to more than 70
15 counties; now, therefore, be it

16 RESOLVED, That the 88th Legislature of the State of Texas
17 hereby affirm the principles of fairness and justice recognized in
18 *Gideon v. Wainwright*, a case that symbolizes a monumental step
19 forward in American justice and upon this occasion of the 60th
20 anniversary of this historic Supreme Court case, recognize and
21 honor the work being done across the nation and the State of Texas
22 to guarantee access to counsel and ensure fairness and justice for
23 all; and, be it further

24 RESOLVED, That a copy of this Resolution be prepared in honor
25 of this special occasion.