

MICHIGAN SENATE

Senate Resolution No. 20

Offered by Senators Chang, Bayer and Geiss

A RESOLUTION TO COMMEMORATE THE 60TH ANNIVERSARY OF
GIDEON V. WAINWRIGHT, THE SUPREME COURT OF THE UNITED STATES (SCOTUS)
DECISION THAT GUARANTEED THE RIGHT TO AN ATTORNEY FOR INDIVIDUALS ACCUSED OF A CRIME

WHEREAS, Public defenders, appointed counsel, investigators, mitigation specialists, and core staff in Michigan work every day to meet the needs of people facing loss of liberty and are a critical part of maintaining a fair justice system; and

WHEREAS, This dynamic was addressed sixty years ago in the case of Clarence Earl Gideon, a 51-year-old man with an eighth-grade education, whose conviction without a lawyer was ruled unconstitutional by SCOTUS; and

WHEREAS, On March 18, 1963, SCOTUS unanimously ruled that impoverished individuals have a constitutional right to an attorney when faced with imprisonment; and

WHEREAS, SCOTUS said “in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him”; and

WHEREAS, Section 20 of Article I of the Michigan Constitution of 1963 guarantees that an accused person shall have the right to the assistance of counsel for their defense; and

WHEREAS, The Sixth and Fourteenth Amendments to the United States Constitution guarantee impoverished individuals the right to counsel where the prosecution may result in the actual deprivation of liberty; and

WHEREAS, For more than fifty years, the State Appellate Defender Office has represented people appealing their criminal convictions, and for almost forty years the Michigan Appellate Assigned Counsel has provided similar representation; and

WHEREAS, This representation has ensured protection under the state and federal constitutions and has resulted in exonerations of innocent people, years of lives saved through correction of trial, pleas, and sentencing errors, and the return to the community of individuals formerly sentenced to life without parole as children; and

WHEREAS, In 2013, the Michigan Indigent Defense Commission was created after decades of efforts to improve Michigan’s trial-level indigent defense system and was charged with creating and overseeing the implementation and enforcement of minimum standards to ensure indigent defense services consistently deliver effective assistance of counsel; and

WHEREAS, The Michigan Indigent Defense Commission has enacted and secured funding for needed reforms to protect the rights of people unable to afford counsel and facing criminal charges, including requiring counsel at arraignment, timely and confidential attorney meetings, annual training of defenders representing indigent clients, adequate resources for experts and investigators, and the separation of the administration of indigent defense from the judiciary; now, therefore, be it

RESOLVED BY THE SENATE, That the members of this legislative body commemorate the 60th anniversary of *Gideon v. Wainwright*, the Supreme Court of the United States (SCOTUS) decision that guaranteed the right to an attorney for individuals accused of a crime; and be it further

RESOLVED, That we rededicate ourselves to our core value of equal justice under law. The criminal legal system could not operate without dedicated and zealous defenders.

Adopted by the Senate, March 15, 2023.


Secretary of the Senate