

**SENATE CONCURRENT  
RESOLUTION No. \_\_\_\_\_**

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DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION commemorating the 60th anniversary of the United States Supreme Court's decision in *Gideon v. Wainwright*.

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**POL, FREEMAN**

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\_\_\_\_\_, read first time and referred to Committee on

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Introduced

First Regular Session 123rd General Assembly (2023)

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RESOLUTION No. \_\_\_\_\_**

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1           A CONCURRENT RESOLUTION commemorating the  
2 60th anniversary of the United States Supreme Court's decision  
3 in *Gideon v. Wainwright*.

4           *Whereas, The Sixth Amendment to the United States*  
5 *Constitution, in all criminal prosecutions, guarantees the*  
6 *accused the right "to have the Assistance of Counsel for his*  
7 *defense";*

8           *Whereas, The Fourteenth Amendment prohibits a state from*  
9 *depriving "any person of life, liberty, or property, without due*  
10 *process of law";*

11           *Whereas, In Johnson v. Zerbst, the Supreme Court decided*  
12 *that the Sixth Amendment requires counsel be provided for*  
13 *indigent persons accused of crimes in federal court;*

14           *Whereas, In Gideon v. Wainwright, the Supreme Court was*  
15 *asked to decide if the right recognized in Zerbst applied to*  
16 *prosecutions in state courts;*

17           *Whereas, On March 18, 1963, the Court answered the*  
18 *question in the affirmative and determined that the Sixth and*  
19 *Fourteenth Amendments require states to provide a lawyer to*  
20 *an indigent defendant at public expense;*

21           *Whereas, In reaching this decision, the Court recognized,*  
22 *"Lawyers in criminal courts are necessities," because "in our*  
23 *adversary system of criminal justice, any person haled into*



1 *court, who is too poor to hire a lawyer, cannot be assured a*  
2 *fair trial unless counsel is provided for him”;*

3 *Whereas, Gideon ushered in a new era of protections for*  
4 *those accused of a crime, including the recognition that*  
5 *defendants are entitled to the effective assistance of counsel,*  
6 *and gave rise to the concept of the professional public defender*  
7 *in all 50 states; and*

8 *Whereas, Even in Indiana, where Hoosiers had enjoyed the*  
9 *right recognized in Gideon for more than 100 years, the*  
10 *protection of innocence was bolstered by the national trend*  
11 *toward the professionalization of public defenders: Therefore,*  
12

13 *Be it resolved by the Senate of the General Assembly*  
14 *of the State of Indiana, the House of Representatives*  
15 *concurring:*

16  
17 SECTION 1. That the Indiana General Assembly  
18 commemorates the 60th anniversary of the Supreme Court's  
19 decision in *Gideon v. Wainwright* and celebrates the impact of  
20 that decision on the protection of innocence in the State of  
21 Indiana.

22 SECTION 2. That the Secretary of the Senate is hereby  
23 directed to transmit a copy of this resolution to the Clerk of the  
24 Supreme Court of the United States, the Indiana State Public  
25 Defender, the Executive Director of the Indiana Public  
26 Defender Council, and the Executive Director of the Indiana  
27 Public Defender Commission.

