

U.S. Attorney's Report to the District

Fifty years ago this month, the U.S. Supreme Court issued its opinion in *Gideon v. Wainwright*, a seminal case which brought lasting and positive change to the American criminal justice system. Clarence Earl Gideon was charged in 1961 with breaking into a pool hall to commit petty larceny. He proclaimed his innocence and, being without the means to hire a defense attorney, asked the trial court to appoint one. That request was denied and Gideon was convicted and sentenced to five years in prison. In a handwritten petition to the U.S. Supreme Court, Gideon argued that his conviction was invalid because he was not assisted by an attorney. The Supreme Court agreed, ruling that the assistance of counsel in criminal cases was fundamental, and that indigent defendants had the right to the appointment of counsel. Upon a retrial of his case, Clarence Gideon, assisted by a court-appointed attorney, was acquitted.

While far from perfect, the American justice system today is the envy of much of the world, largely because of its reputation for procedural fairness. That reputation is due in no small part to the right to appointed counsel in criminal cases established in the *Gideon* case.

The right to appointed counsel is more important now than it was 50 years ago. Far more defendants are being prosecuted than in the 1960s, the laws are more complex, and the nature of the evidence in criminal cases is more technical. But current budget challenges are squeezing the public defender agencies which carry out the mandate of *Gideon*. Public defender agencies in California have been facing severe budget cuts, layoffs, and furloughs in recent years. Now the sequester – across the board federal budget cuts that took effect this month – is having a profound impact on those who represent defendants in federal cases. Attorneys and staff in the Federal Defender's Office for this district are being furloughed in order to avoid cutting funds necessary for defense experts, investigations and interpreters.

Ensuring that defendants in criminal cases receive effective representation is not just a concern of the defense bar. All participants in the criminal justice system seek to avoid miscarriages of justice of the sort which are more likely in cases where defendants have not had adequate access to quality defense counsel. The role of the prosecutor, after all, is not to win cases, but to do justice. Even in cases where defendants are rightly convicted, claims of ineffective assistance of counsel can lead to convictions being reversed, increasing costs and decreasing the efficiency of the system.

The U.S. Department of Justice is taking steps to ensure that the rights established in *Gideon* are real and effective. Through its Access to Justice Initiative, it is working to promote increased representation of indigent defendants, and the Department has made grants available to strengthen indigent defense programs, fund litigation of post-conviction innocence claims, and provide loan repayment assistance to public defenders. The research arm of the Department is funding research projects which examine issues arising from the representation of juveniles and those with mental health disorders.

More needs to be done. Effective indigent defense is not a luxury; it is critical to the fairness and success of our justice system. On the 50th anniversary of *Gideon*, we should urge our representatives to protect the fundamental right to counsel for all defendants that the Supreme Court so loudly proclaimed five decades ago.

If you would like to communicate with our office, contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

United States Attorney

Benjamin B. Wagner