

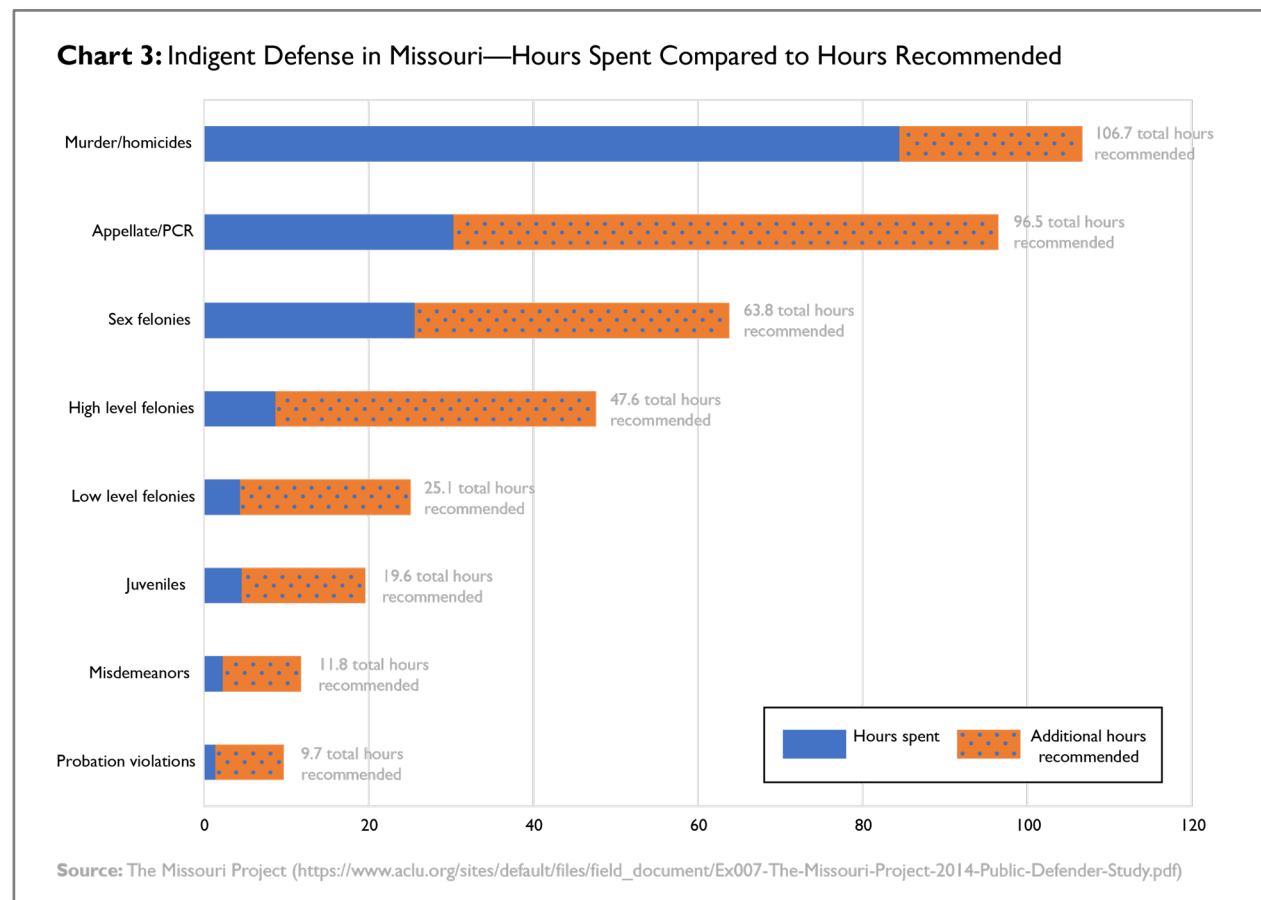
***Gideon v. Wainwright* / Inquiry-based Task: Will You Sign the Resolution?—Answer Key**

Before you begin:

- [Read *Gideon v. Wainwright* case summary](#)
- [Optional: Complete Classifying Arguments Activity](#)
- [Complete Sixth Amendment Analysis \(Activity 1\)](#)
- [Complete Opinion Analysis \(Activity 2\)](#)
- [Complete Newspaper Analysis \(Activity 3\)](#)

Background:

As a result of the decision in *Gideon v. Wainwright*, states were required to set up a system to provide attorneys to defendants who could not afford them. Many states established public defenders' offices and hired attorneys full time for this job.



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On the 50th anniversary of the decision in *Gideon v. Wainwright*, the U.S. Department of Justice issued a statement that included the following assessment: “Despite the significant progress that has been made over 50 years after the decision, the promises of *Gideon* remains unfulfilled. The quality of criminal defense services varies widely across states and localities. Many defenders struggle under excessive caseloads and lack adequate funding and independence, making it impossible for them to meet their legal and ethical obligations to represent their clients effectively.” The chart on page 1 illustrates this problem in the state of Missouri.

Your task:

You were recently elected as your district’s representative to the United States House of Representatives. Tomorrow you must vote on whether to support House Resolution 108.¹ To make an informed decision you should consider the following questions:

1. Read House Resolution 108 (pages 4 and 5). Do you agree with the numbered provisions? Why or why not?
 - (1) Recognizes and honors the 50th anniversary of the decision in *Gideon v. Wainwright* – Student answers will vary.
 - (2) Encourages all people in the United States to recognize and honor the 50th anniversary of the *Gideon v. Wainwright* decision – Student answers will vary.
 - (3) Supports strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel – Student answers will vary.
2. How do you think the House of Representatives might “support strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel” as encouraged in the resolution?
Student answers will vary. Based on the chart, students might respond that more public defenders should be employed so the recommended number of hours can be spent on cases.
3. If H.Res.108 is successful, what might the impact (if any) be? If it fails?
Student answers will vary. Students might respond that if it passes it will raise awareness of the importance of this case, the role of public defenders, and the need for reform. If it fails, it might signal that reforming the criminal justice system is not a priority in Congress.
4. Will you vote “yea” or “nay” on H.Res.108? What informed your decision?
Student answers will vary but may include information from the preamble to the resolution.
5. Create an “elevator speech” (a short, persuasive speech that lasts no longer than one minute) encouraging your fellow representatives to vote with you.
Student answers will vary but may include information from the preamble to the resolution.

¹ House Resolution 108 was introduced into the Judiciary Committee by Representative Theodore Deutch (D-FL) on March 12, 2013, <https://www.congress.gov/bills/113th-congress/house-resolution/108>.

6. Do you think H.Res.108 passed? Why or why not?
Student answers will vary. H. Res. 108 did not pass. It was introduced to the House of Representatives on March 2, 2013. It was referred to the House Judiciary Committee and further referred to the subcommittee on the Constitution and Civil Justice. It “died” in committee.
7. What questions do you still have about H.Res.108?
Student answers will vary.

113TH CONGRESS
1ST SESSION

H. RES. 108

Recognizing the 50th anniversary of the landmark case *Gideon v. Wainwright*, in which the Supreme Court held that counsel must be provided to indigent defendants in all felony cases.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Mr. DEUTCH (for himself, Mr. CHABOT, Mr. NADLER, Mr. CONYERS, and Mr. WATT) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Recognizing the 50th anniversary of the landmark case *Gideon v. Wainwright*, in which the Supreme Court held that counsel must be provided to indigent defendants in all felony cases.

Whereas, on March 18, 1963, the Supreme Court recognized in *Gideon v. Wainwright* that counsel must be provided to indigent defendants in all felony cases;

Whereas the Supreme Court held that providing counsel to indigent defendants in all felony cases meets the essential requirements of the 6th amendment to the United States Constitution;

Whereas the Supreme Court held in *Argersinger v. Hamlin* that indigent defendants are entitled, under the 6th

amendment to the United States Constitution, to court-appointed counsel in all cases where imprisonment is a possibility;

Whereas 50 years after the *Gideon v. Wainwright* decision, excessive caseloads are preventing counsel for indigent defendants from providing quality representation; and

Whereas the provision of counsel to indigent defendants often lacks fairness and increases the risk that poor people will be wrongfully convicted: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) recognizes and honors the 50th anniversary
3 of the decision in *Gideon v. Wainwright*;

4 (2) encourages all people in the United States
5 to recognize and honor the 50th anniversary of the
6 *Gideon v. Wainwright* decision; and

7 (3) supports strategies to improve the criminal
8 justice system to ensure that indigent defendants in
9 all felony cases are adequately represented by coun-
10 sel.