

## **Governor Vilsack Proclaims March 18<sup>th</sup> as “Gideon Day”**

Iowa Marks 40<sup>th</sup> Anniversary of Landmark Supreme Court Decision on Right to Counsel for Poor People

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**Des Moines** -- Governor Thomas J. Vilsack of Iowa has issued a proclamation designating March 18, 2003, as “Gideon Day.” The proclamation recognizes the 40<sup>th</sup> Anniversary of the U.S. Supreme Court decision in *Gideon v. Wainwright*, a landmark holding recognizing that persons accused of crime and subject to imprisonment had a right to counsel under the Sixth and Fourteenth Amendments to the U.S. Constitution and, if they were too poor to afford to hire attorneys, the government had to provide a court-appointed lawyer. As a result of the Gideon decision, each of the 50 states, in addition to the Federal Government and the various U.S. territories, possessions, and commonwealths, had to set up public defender systems or other methods of providing legal counsel to people too poor to retain their own lawyers. Today, nationwide expenditures for indigent defense exceed \$2 billion annually.

“Of all the Supreme Court’s decisions in the criminal justice area, Gideon has had the greatest impact,” said Tom Becker, Iowa’s State Public Defender. Becker explained that, both nationally and in Iowa, more than 75% of all defendants are indigent, that is, don’t make enough money to afford to hire lawyers. “No other court decision has had this broad an effect, no other decision has required this level of investment by government; Gideon, in one stroke, created an entire field for the legal profession, that of ‘public defense,’ no other court precedent has done that,” Becker continued. “Most importantly, no other single court decision has meant as much to the fairness of the criminal justice system and protecting against conviction of the innocent.”

Although the Gideon case came out of Florida, it has a special connection to Iowa. When the Supreme Court agreed to hear Clarence Earl Gideon’s petition, the Florida Attorney General solicited the attorneys general from other states for support in arguing that indigents shouldn’t have a right to court-appointed counsel. Only two state attorneys general decided to support Florida, but 22 state attorneys general banded together to join a brief that supported establishment of a right to counsel for poor people. Among those 22 was Iowa’s Attorney General Even L. Hultman.

Governor Vilsack’s “Gideon Day” proclamation makes note of Attorney General Hultman’s role in the case and praises Iowa’s indigent defense programs. “The State of Iowa’s indigent defense programs feature a strong partnership between public defenders and private attorneys,” the proclamation states. “This partnership makes Iowa’s programs a model in fulfilling the Constitutional obligation to provide representation for the indigent.” According to Becker, Iowa’s indigent defense programs are among the best organized in the country. “You can’t have top-drawer programs unless you have a statewide system of public defenders partnered with private attorneys willing to take on the court-appointed cases that can’t be handled by public defenders. This is where Iowa excels.”

Iowa’s State Public Defender System consists of 201 personnel at 20 field offices throughout Iowa. The public defenders are supported by over 700 private attorneys who regularly accept court appointments. Iowa’s total indigent defense expenditures exceed \$30 million annually.