



STAR-TRIBUNE EDITORIAL

Equal justice for all, point of proclamation

*Freudenthal emphasizes
the right of counsel*

Gov. Dave Freudenthal proclaimed March 18 "Gideon Day" in recognition of the 40th anniversary of the U.S. Supreme Court decision that requires states to provide attorneys for poor people accused of crimes. The governor's proclamation also acknowledges the 25th anniversary of the Wyoming Public Defenders Office, which provides attorneys for those who cannot afford them but face criminal charges.

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If there is to be fairness in a criminal trial, a defendant who cannot afford an attorney must have one provided.

This proclamation implies, coming from Freudenthal, a former U.S. Attorney, that he understands that the state must provide adequate funding for the state Public Defenders Office to meet the resources that state prosecutors have.

It may be difficult to imagine a time in the United States when those who could not afford attorneys were forced to defend themselves in criminal cases before a court of law. Guilty or not, most of these indigent defendants lost their cases simply because they did not know the law or proper courtroom procedure.

It wasn't until 1963 that the U.S. Supreme Court ruled the Sixth Amendment's mandate is a fundamental right: "In all criminal

prosecutions, the accused shall ... have the assistance of counsel for his defense." The high court finally recognized that basic right more than 170 years after the Bill of Rights was ratified.

In 1961, Clarence Earl Gideon was charged in a Florida state court with having broken and entered a poolroom with intent to commit a misdemeanor. This offense is a felony under Florida law. Gideon didn't have the funds to hire an attorney. He petitioned the court to appoint counsel for him. The court refused. Gideon defended himself as well as could be expected from a layman. He lost.

From prison he wrote a petition to the U.S. Supreme Court in support of his claim that the Constitution entitled a poor man charged with a crime to have an attorney to represent him: "The question is very simple. I requested the court to appoint me attorney and the court refused."

In its decision, *Gideon v. Wainwright*, the high court agreed. Gideon's conviction was reversed and the case sent back down to Florida for reconsideration. With the aid of an attorney, a new jury found Gideon not guilty. Gideon's case, however, had ramifications for equal justice across the nation — which the governor's proclamation rightly celebrates.

The Wyoming Public Defenders Office was established on July 1, 1978.

Wyoming is one of 17 states that has a statewide public defender system, funded by the Legislature. Wyoming's system is considered to be model for rural states. In many states, funding for defense attorneys for the indigent goes to the lowest bidder — hardly a formula for a well-prepared defense.

The governor's proclamation states, in part: "Wyoming hereby rededicates itself to the principle of equal justice for all regardless of income ..." This is a noble promise in troubled times. Let us hew to it.