

floor, and I had intended to make them earlier when he was here. I am glad to see he is here.

Mr. COBLE. Will the gentleman yield?

Mr. HOLDING. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), the leader of the North Carolina delegation.

Mr. COBLE. I thank the gentleman.

MEL, I appreciate those generous words. Thank you for your generous words as well. I won't be verbose or lengthy, but just thanks to all of you.

I have another year, MEL. I won't be gone for another year. Thank you.

Mr. Speaker, it is certainly a pleasure to be here on the floor with Chairman COBLE. It is just a point of personal privilege to say that, long ago when I was a staff member up here on Capitol Hill, I had a conversation with the chairman and asked him what I should do next. He suggested that I go and be an assistant United States attorney just like he was before he came to Congress.

Mr. Speaker, I urge a "yes" vote on this, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of this legislation which like others before us, demonstrates the Congressional power over the Supreme and federal courts in even the most mundane matters—in this case—security.

It is critical to the day-to-day functioning of the Supreme Court that Justices, Court employees, and visitors to the Court be provided with adequate and appropriate protection. The Supreme Court Police are charged with enforcing the law at the Supreme Court building and its grounds as well as protecting Justices and other court employees on and off the grounds. Congress has provided statutory authority for the Supreme Court Police to provide security beyond the Court building for Justices, Court employees and official visitors since 1982. Since 1986, Congress has extended this off-grounds authority seven times and recent events tend to demonstrate that this authority is as important as ever.

The authority is due to sunset on December 31, 2013 and the current authority and jurisdiction of the Supreme Court Police is essential to the force's performance of its everyday duties. Supreme Court Police regularly provide security to Justices by transporting and accompanying them to official functions in the Washington, D.C., metropolitan area, and on occasion, outside the area when they or official guests travel on Court business. Threats to personal safety may require Justices to be accompanied by police between their home and the Court—and although incidents have been few—we must continue to be vigilant to any and all security matters.

I close by harking back to our Founders, the men who forged the underpinnings of this great nation. They had the vision and forethought to craft what is the world's most admired democracy, replete with the vaunted three branches of government. It is not perfect though, and in my role as a representative for the people of the 18th District of Texas, I humbly seek to make it better and the passage of this bipartisan legislation today moves us closer

to working in harmony on other matters affecting the Judiciary—matters which the American people are asking us to do. I am certain that on that score we share the same values.

I urge my colleagues to Support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HOLDING) that the House suspend the rules and pass the bill, H.R. 2922.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLDING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SUPPORTING THE RIGHT TO COUNSEL

Mr. HOLDING. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 196) supporting the Sixth Amendment to the United States Constitution, the right to counsel, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 196

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 Sixth Amendment to the United States Constitution; and

Whereas the Supreme Court held in *Argersinger v. Hamlin* that absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless they were represented by counsel at their trial: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the Sixth Amendment to the United States Constitution, the right to counsel;

(2) supports strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel; and

(3) urges States to work to ensure that indigent defendants in all felony cases are adequately represented by counsel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HOLDING) and the gentleman from Florida (Mr. DEUTCH) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. HOLDING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H. Res. 196, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HOLDING. Mr. Speaker, I yield myself such time as I may consume.

The Sixth Amendment of the United States Constitution states that "in all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defence." H. Res. 196 supports the Sixth Amendment, the right to counsel, and strategies to ensure that indigent defendants in all felony cases are adequately represented by counsel.

Fifty years ago, Mr. Speaker, the Supreme Court, in *Gideon v. Wainwright*, held that providing counsel to indigent defendants is one of the essential requirements of the Sixth Amendment. Writing for the majority, Justice Black stated:

From the very beginning, our State and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law.

Since the *Gideon* decision, the Supreme Court has held that absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless that person was represented by counsel at his or her trial.

This resolution reaffirms Congress' continued commitment to pursuing fairness in our criminal justice system and calls on States to help ensure that defendants are adequately represented by counsel.

I urge Members to support it, and I reserve the balance of my time.

Mr. DEUTCH. Mr. Speaker, I yield myself such time as I may consume.

At the beginning of this Congress, Members read aloud the Constitution of the United States from the floor of this very Chamber. That reading, of course, included the Bill of Rights, those first 10 amendments so vital to protecting the individual freedoms of all Americans.

Today, I urge my colleagues to support the passage of H. Res. 196, a bipartisan resolution affirming our support for the Sixth Amendment to our Constitution.

The Sixth Amendment guarantees the right of all Americans to a fair trial. It also reads, "In all criminal prosecutions, the accused shall . . . have the assistance of counsel for his defence."

We all agree that the right to counsel for anyone accused of a crime is the foundation of individual liberty. It is essential to the rule of law and the basic principle that, in America, the government cannot take away any citizen's freedom without a fair trial. H. Res. 196 is a bipartisan resolution reaffirming the support of this Congress for the Sixth Amendment right to counsel at a time when this right is too often trampled in our modern-day justice system.

Fifty years ago, the U.S. Supreme Court recognized, in the landmark case, *Gideon v. Wainwright* that access to quality legal representation is essential to a fair trial, and that even Americans too poor to afford an attorney have a right to counsel.

□ 1815

This landmark opinion held that States and localities have a Sixth Amendment constitutional obligation to provide counsel to indigent defendants. Yet, a half century later, the reality is that we continue to struggle to honor the right to counsel upheld in *Gideon*.

Reports by the Department of Justice, the American Bar Association, the Constitution Project, as well as innumerable law review articles by top experts in criminal law, have revealed how legal representation for indigent defendants often has been undermined by crushing caseloads, inadequate funding, and other obstacles. It has been estimated that 80 to 90 percent of all persons charged with a criminal offense qualify as being indigent and cannot afford an attorney.

The American Bar Association, in its comprehensive report, "Gideon's Broken Promise," concluded that "thousands of persons are processed through America's courts every year either with no lawyer at all or with a lawyer that does not have the time, the resources or, in some instances, the inclination to provide effective representation."

All too often, defendants plead guilty, even if they are innocent, without really understanding their legal rights or what is occurring.

In this time of limited resources, the right to counsel has also been undermined by cuts to funding for indigent defense. These cuts have eliminated training programs to keep lawyers informed of criminal justice best practices and have limited the ability of lawyers for indigent defendants to access investigators or experts essential to adequately representing their clients.

We pay a hefty price when we fail to uphold the Sixth Amendment of our Constitution. It is not uncommon for indigent people without an attorney to sit in jail for weeks or months, causing the loss of a job, a home and, in some instances, the loss of a family.

Failing to provide adequate counsel to indigent defendants can also lead to costly extended pretrial detentions, costs associated with appellate litigation, costs for appellate defense counsel, prosecutors and appellate courts, incarceration costs of indigent people during the appeals process, and other unnecessary costs.

From our unsustainably high rates of incarceration to the lives of families torn apart by unnecessary jail time and wrongful convictions, Congress can't afford to ignore the economic and moral costs of this crisis in our criminal justice system.

Our Nation's failure to uphold the Sixth Amendment has resulted in bloated prison and jail populations at the State and county levels, which hold more than 2.2 million people at a cost of \$75 billion per year. An additional 5 million people are on probation, parole, or supervised release.

Yet, Mr. Speaker, despite all the comprehensive reports, all the law review articles, and all the stories reported by the media, the fundamental right of an indigent defendant to adequate counsel remains at risk.

The situation is dire. Look no further than a recent determination made by the Florida Supreme Court allowing the Miami-Dade Public Defender's Office to withdraw from 21 criminal cases because of excessive workload and underfunding. In fact, it was found that approximately 400 felony cases were being assigned to the average public defender, and public defenders in third-degree felonies had as many as 50 cases set for trial in a week.

These facts provide us with just a glimpse into a growing crisis within our criminal justice system. There is no question that States and localities are struggling to provide adequate and well-resourced lawyers to indigent defendants.

Ensuring that all Americans, regardless of their financial resources, have access to a lawyer is essential to our system of justice. Our failure to uphold the Sixth Amendment undermines the premise that, in America, every person has the right to a fair trial and is presumed innocent until proven guilty.

H. Res. 196 is a product of bipartisanship. I would like to thank the House Judiciary Committee Chairman BOB GOODLATTE for his support of this legislation and the Sixth Amendment right to counsel.

I would also like to thank Congressman STEVE CHABOT for all of his hard work on this resolution and for working to ensure that indigent people in the criminal justice system are adequately represented by counsel.

I also want to recognize Ranking Member JOHN CONYERS and Crime Subcommittee Ranking Member BOBBY SCOTT for their support of this resolution.

For my colleagues who are as concerned as I am about the state of indigent defense in America, I invite you not just to support today's resolution but to join me as a cosponsor of H.R. 3407, the National Center for the Right to Counsel Act. This legislation aims to improve financial and training resources for State and local public defense systems and encourage the adoption of best practices for the delivery of legal services to indigent defendants.

The bill would equip States and localities with more tools to implement their own indigent defense systems and meet their constitutional obligations as defined by the Supreme Court in *Gideon v. Wainwright*. I look forward to working with colleagues on both sides of the aisle on this legislation.

Mr. Speaker, the first step toward solving any problem is confronting it, and that is why I am so pleased to have H. Res. 196 on the floor today. The Supreme Court recognized in *Gideon* that "the right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

It is long past time that the House of Representatives engage, debate, and develop strategies to assist the States with improving the delivery of indigent defense services.

I urge my colleagues to support the right to counsel enshrined in the Sixth Amendment of the Constitution and to join me in supporting H. Res. 196.

Mr. Speaker, I yield back the balance of my time.

Mr. HOLDING. Mr. Speaker, I urge my colleagues to support this measure and vote "yes."

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise to offer a full-throated support of H. Res. 196, which upholds the Sixth amendment Right to Counsel, as laid out in the Supreme Court case of *Gideon v. Wainwright*.

The Supreme Court's landmark decision in *Gideon v. Wainwright* affirmed that everyone, whether rich or poor, has the right to an attorney in a criminal proceeding. Fifty years later though, sequestration's devastating cuts to federal defender services are jeopardizing the constitutional rights of Americans around the nation and ultimately resulting in higher costs—which is why this resolution—H. Res. 196—is utterly important. The case law and enunciation of this right began in *Powell v. Alabama*, in which the Court set aside the convictions of eight black youths sentenced to death in a hastily carried-out trial without benefit of counsel.

Justice Sutherland stated that due process always requires the observance of certain fundamental personal rights associated with a hearing, and "the right to the aid of counsel is of this fundamental character." This observation was about the right to retain counsel of one's choice and at one's expense, and included an eloquent statement of the necessity of counsel. "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crimes, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence."

Clarence Earl Gideon, could not afford a lawyer to defend him in court, and he was convicted. Gideon challenged his conviction—all the way to the Supreme Court. The result was the landmark case *Gideon v. Wainwright*, which guarantees poor defendants in Houston,

Barton	Harper	Pittenger
Blackburn	Herrera Beutler	Rohrabacher
Butterfield	Jones	Rush
Campbell	Lummis	Schwartz
Chaffetz	Lynch	Slaughter
DesJarlais	Matsui	Welch
Ellison	McCarthy (NY)	Wenstrup
Fleischmann	McCaul	Westmoreland
Grimm	Neal	Young (AK)
Gutiérrez	Nugent	