

**American Bar Association
Grades 7-9: The Right to Counsel**

Student Handout 1: The Importance of the Right to Counsel

Many people consider the right to counsel one of our most important rights? Do you? Think of reasons why this right is important. List them below.

The right to counsel is important because...

Here are some of the reasons given by members of the United States Supreme Court explaining why the right to counsel is so important.

Statement A

That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. 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. 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. This noble ideal cannot be realized if [a person] charged with crime has to face his accusers without a lawyer to assist him.

Gideon v. Wainwright, 83 S.Ct. 792 (1963)

Statement B

If charged with crime, [even the intelligent and educated layman] 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 on 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. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect.

Powell v. Alabama, 53 S.Ct. 55 (1932)