

110TH CONGRESS
1ST SESSION

S. RES. 194

Commemorating the 40th anniversary of the landmark case *In re Gault*, et al., in which the Supreme Court held that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2007

Mr. KENNEDY (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to

RESOLUTION

Commemorating the 40th anniversary of the landmark case *In re Gault*, et al., in which the Supreme Court held that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them.

Whereas, on May 15, 1967, the Supreme Court recognized in *In re Gault*, et al., 387 U.S. 1 (1967) that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them;

Whereas the Supreme Court held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution;

Whereas the Gault decision recognized that the constitutional protections of due process extend to juveniles the right to fundamental procedural safeguards in juvenile courts, including the right to advance notice of the charges against them, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses; and

Whereas, 40 years after the Gault decision, some children appear in court with no legal counsel at all: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes and honors the 40th anniversary
3 of the decision in *In re Gault, et al.*, 387 U.S. 1
4 (1967);

5 (2) encourages all people of the United States
6 to recognize and honor the 40th anniversary of the
7 Gault decision;

8 (3) supports strategies to improve the juvenile
9 justice system that appreciate the unique nature of
10 childhood and adolescence; and

11 (4) pledges to acknowledge and address the
12 modern day disparities that remain for children after
13 the Gault decision.

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