

# The Right to the Assistance of Counsel

*A Reference Guide  
to the United States  
Constitution*

James J. Tomkovicz

We the People

# Right To The Assistance Of Counsel A Reference Guide To The United States Constitution

**Christophe R. Drahozal**



## **Right To The Assistance Of Counsel A Reference Guide To The United States Constitution:**

**The Right to the Assistance of Counsel** James J. Tomkovicz, 2002-09-30 Inaugurating Greenwood's Reference Guides to the United States Constitution series this superlative guide to the Sixth Amendment is the first to survey the legal guarantee of counsel's assistance since 1963's Gideon ruling. The vast majority of important even landmark cases regarding the right to counsel were decided after that pivotal ruling making this the definitive work on the topic. Tomkovicz offers a concise yet substantial account of the historical development of the right to counsel in England and America. Included are: A brief history of the topic; Lengthy and sophisticated analysis of the current state of the law; A bibliographical essay organizing and evaluating scholarly material for further research; A table of cases; Index; A thorough analysis of the relevant U.S. Supreme Court's doctrine gives concrete content to the right to assistance of defense counsel. Scholars and students of the U.S. Constitution along with attorneys and lay readers will gain a rich understanding of the meaning and importance of the Sixth Amendment and a comprehensive overview of a cornerstone of America's constitutional and legal order. **Right to**

**Counsel and Privilege against Self-Incrimination** John B. Taylor, 2004-10-26 An extensive analysis of two complementary rights of the accused: their interpretation by the U.S. Supreme Court and the ongoing debate over their role in the criminal justice system. **Right to Counsel and Privilege against Self-Incrimination: Rights and Liberties under the Law** explores the origins, historical development, current status, and future of two rights intended to protect persons accused of crimes. Two shocking case studies, *Powell v. Alabama* and *Brown v. Mississippi*, reveal the brutal injustices suffered by Southern blacks in the 1930s and explain how the Supreme Court made landmark decisions to expand the coverage of the right to counsel and the privilege against self-incrimination. After a brief review of the English and colonial origins of these rights, a careful analysis of each focuses primarily on the revolutionary cases of the 20th century that produced a convergence of these rights in the famous case of *Miranda v. Arizona* (1966). The work examines subsequent cases and discusses issues that lie ahead, including those related to the war on terror.

**Encyclopedia of American Civil Liberties** Paul Finkelman, 2021-02-25 Originally published in 2006, the *Encyclopedia of American Civil Liberties* is a comprehensive 3-volume set covering a broad range of topics in the subject of American Civil Liberties. The book covers the topic from numerous different areas including freedom of speech, press, religion, assembly, and petition. The Encyclopedia also addresses areas such as the Constitution, the Bill of Rights, slavery, censorship, crime, and war. The book's multidisciplinary approach will make it an ideal library reference resource for lawyers, scholars, and students. [Routledge Revivals: Encyclopedia of American Civil Liberties \(2006\)](#) Paul Finkelman, 2018-04-17 Originally published in 2006, the *Encyclopedia of American Civil Liberties* is a comprehensive 3-volume set covering a broad range of topics in the subject of civil liberties in America. The book covers the topic from numerous different areas including freedom of speech, press, religion, assembly, and petition. The Encyclopedia also addresses areas such as the Constitution, the Bill of Rights, slavery, censorship, crime, and war. The book's multidisciplinary approach will

make it an ideal library reference resource for lawyers scholars and students

**Constitutional Remedies** Michael Wells, Thomas A. Eaton, 2002-10-30 Understanding the impact of constitutional rights in the real world depends on understanding the law of constitutional remedies for their violation Integrating the history doctrine and policy of constitutional remedy Wells and Eaton explain how people go about trying to obtain redress for violations of their constitutional rights Diverse issues arise when persons seek to bring a lawsuit against governments officials or private individuals for violation of their constitutional rights Among them are whether the injury ought to be accorded constitutional status at all or instead should be treated as a routine wrong no different in principle from a traffic accident If the case warrants constitutional status the next issue is whether or not suit may be brought against the officer who committed the wrong or his government employer and so on On each of these and other issues the authors guide the reader through the complex body of doctrine the lively case law debates and the scholarly literature over the appropriate mix of policies and the means by which to achieve them

**State Sovereign Immunity** Melvyn R. Durchslag, 2002-10-30 As part of a new series of Greenwood s comprehensive reference guides to the United States Constitution Professor Durchslag s edition on the Eleventh Amendment s guarantee of state sovereign immunity is the most thorough and up to date treatment of that amendment The Court s interpretation of the Eleventh Amendment over the past two centuries has been an attempt to balance the sovereign interests of the states against the primacy of federal law and is currently its primary means of articulating its federalist doctrine Beginning with an extensive history of the Eleventh Amendment and the ratification debates surrounding it Durchslag proceeds to a chronological discussion of the development of the first generation of Eleventh Amendment jurisprudence from 1793 1890 The book then proceeds topically tracing the developments of the various doctrinal components of the Amendment and includes suggestions as to how they may evolve The work concludes with an erudite bibliographic essay to guide the reader to relevant primary and secondary works and is fully indexed For constitutional students scholars and legal practitioners as well as for political scientists and historians studying the constitution or federalism

Double Jeopardy David Rudstein, 2004-12-30 This volume traces the history of the Double Jeopardy Clause of the Fifth Amendment of the United States Constitution It shows that the constitutional guarantee against double jeopardy has its roots in ancient Jewish and early Greek and Roman law After recapping the history of the clause the Supreme Court s current interpretation of the clause is explained This book describes the circumstances in which the premature termination of an individual s trial bars a subsequent trial for the same offense It also examines when the Clause prohibits the government from imposing multiple punishments for the same offense The final chapter includes a discussion of bibliographical sources

The Religion Guarantees Peter Rofes, 2005-02-28 As we enter the 21st century the United States highest court remains deeply divided over the fundamental issues concerning the Constitutional law of religious freedom Because of this chasm the direction the law will take over the next generation remains uncertain This book empowers the

reader to grasp the issues behind the contemporary Constitutional controversy and delves into such areas as prayer in school religious displays on public property and educational choice programs involving religious schools This reader friendly overview effectively discusses the burgeoning Constitutional law of American religious liberty in a comprehensive yet concise manner Rofes details how this issue made its way into the Bill of Rights and explores its two protections the anti establishment and free exercise guarantees The book identifies and examines the range of thorny issues implicated by the anti establishment protection such as prayer in public schools religious displays on public property and financial assistance to religious institutions It also looks at the variety of contexts in which free exercise rears its head including compulsory education unemployment compensation and the military The work concludes with a bibliographic chapter for readers to pursue particular issues in greater depth

Self-Representation Jona Goldschmidt,2022-01-14 Self representation has a long venerable history dating to biblical times and continuing through the common law the colonial era to the present This book collects and analyzes the law ethics opinions and empirical studies about the wide range of issues surrounding Self represented litigants SRLs in our justice system including how much if any assistance should a judge provide what duties do lawyers interacting with SRLs and many others Using recent empirical studies from both Civil litigation and criminal defense Jona Goldschmidt argues that SRLs cases cannot be fairly heard without a mandatory judicial duty of reasonable assistance In order to maintain public trust and confidence in our justice system self represented parties must be guided and assisted Courts and the legal profession should continue to adapt and meet the challenge of managing and interacting with those who choose or are compelled to self represent Only when self represented litigants are embraced by the courts they will finally receive equal justice under law This book would be of interest to those studying criminal justice and legal studies specifically legal history and legal ethics as well as judges lawyers and other professionals in the field

**Criminal Courts** Craig Hemmens,David C. Brody,Cassia Spohn,2009-11-05 This comprehensive textbook covers court structure courtroom actors and the trial and appeal process In addition it also covers related areas often not covered or inadequately covered in many courts textbooks These include judicial decision making specialized courts and comparative court systems

*The Social History of Crime and Punishment in America: A-De* Wilbur R. Miller,2012-08-10 This comprehensive and authoritative four volume work surveys the history and philosophy of crime punishment and criminal justice institutions in America from colonial times to the present

Procedural Due Process Rhonda Wasserman,2004-10-30 This book gathers synthesizes and analyzes case law in a variety of substantive contexts including public employment prison administration and government benefits It places current case law into historical context serving as a reference guide for students practitioners judges and scholars interested in procedural due process The author addresses the central requirements of notice and the opportunity to be heard as well as the day in court ideal It also examines the protection due process affords against litigation in a distant forum with which the defendant has no connection

*Privileges and Immunities* David S. Bogen,2003-04-30 The privileges

and immunities clauses in the U S Constitution forbids one state from discriminating against citizens of another state with respect to privileges and immunities that state affords its own citizens Of course the history interpretation and rulings on Article IV and the Fourteenth Amendment are much more nuanced and controversial Bogen details the origins and development of the concept of privileges and immunities and provides an in depth analysis of the symbiotic relationship between Article IV and the Fourteenth Amendment detailing the current understanding of the clauses as reflected in the decisions of the Supreme Court The author concludes by arguing that the tension between the Framers intent to protect fundamental human rights and the Court s current confused and inappropriate use of rights language may be resolved by applying customary international human rights to the states An extensive bibliographic essay and a table of cases are provided to guide further reading on the topic

***The Supremacy Clause*** Christophe R. Drahozal, 2004-06-30 This book combines a detailed examination of the history of the Supremacy Clause with a comprehensive consideration of all aspects of Supremacy Clause Doctrine It explores how the Supremacy Clause makes federal law the supreme Law of the Land so that federal law overrides conflicting state law This work also looks at how the Supreme Court frequently requires not supremacy but equality when applying the Supremacy Clause by invalidating state laws that discriminate against the federal government This volume gives a detailed history of the Supremacy Clause by tracing the origins of federal supremacy from colonial days It gives particular attention to the evolution of the Supremacy Clause in the Constitutional Convention and discussions of the Clause during the ratification debates Foundational decisions of the Supreme Court interpreting the Clause are discussed as well as the role of the Clause during critical confrontations between states and federal government This work also considers in detail the doctrinal role of the Supremacy Clause today by discussing contemporary topics and recent controversies surrounding them

***The Full Faith and Credit Clause*** William Reynolds, William Richman, 2005-04-30 This work examines all the aspects of the Full Faith and Credit Clause and its importance in the development of United States law It begins with the birth of the clause and the history underlying its adoption This includes discussions held at the Constitutional Convention and the early judicial interpretations of the clause The book looks separately at the individual components that embody the clause those that deal with records public acts and judicial proceedings The book also zeroes in on the relationship between the clause and the issues of family law It covers marriage divorce support and child custody all issues that have demanded serious attention in recent years

***Searching the Law, 3d Edition*** Frank Bae, Edward Bander, Francis Doyle, Joel Fishman, Paul Richert, 2021-12-13

***The Right to a Speedy and Public Trial*** Susan N. Herman, 2006-07-30 Herman provides an analysis and reference guide for the rights that the Sixth Amendment guarantees in all criminal prosecutions She provides a history of the generation of each right from ancient times through the present The public trial chapters analyze the development of Supreme Court case law interpreting the Sixth Amendment right and the companion First Amendment right of public access to trials and then discuss current issues in interpretation of the Sixth Amendment right including the

controversial issue of cameras in the courtroom and the current questions about open proceedings involving alleged terrorists The speedy trial chapters trace the development of the ideal of prompt proceedings and the Supreme Court's laws in this area including a critique of the major Supreme Court cases The Supreme Court on Trial George C. Thomas, III, 2010-02-09 Has the American criminal justice system abandoned its duty to protect the innocent The Rehnquist Legacy Craig Bradley, 2006 This book is a legal biography of William Rehnquist of the U S Supreme Court **The Violent World of Broadus Miller** Kevin W. Young, 2024-04-10 In the summer of 1927 an itinerant Black laborer named Broadus Miller was accused of killing a fifteen year old white girl in Morganton North Carolina Miller became the target of a massive manhunt lasting nearly two weeks After he was gunned down in the North Carolina mountains his body was taken back to Morganton and publicly displayed on the courthouse lawn on a Sunday afternoon attracting thousands of spectators Kevin W Young vividly illustrates the violence wracked world of the early twentieth century in the Carolinas the world that created both Miller and the hunters who killed him Young provides a panoramic overview of this turbulent time telling important contextual histories of events that played into this tragic story including the horrific prison conditions of the era the rise of the Ku Klux Klan and the influx of Black immigrants into North Carolina More than an account of a single murder case this book vividly illustrates the stormy race relations in the Carolinas during the early 1900s reminding us that the legacy of this era lingers into the present

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