

**“CAPITAL” PUNISHMENT OR “LACK-OF-CAPITAL”
PUNISHMENT? INDIGENT DEATH PENALTY DEFENDANTS
ARE PENALIZED BY A PROCEDURALLY FLAWED
COUNSEL APPOINTMENT PROCESS**

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“[F]rom every mountainside, [L]et freedom ring.”¹

During the height of the Civil Rights era of the 1960s,² the United States Supreme Court issued the landmark opinion *Gideon v. Wain-*

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1. Samuel F. Smith, *America*, in *BREATHES THERE THE MAN: HEROIC BALLADS & POEMS OF THE ENGLISH-SPEAKING PEOPLES* 81 (Frank S. Meyer ed., 1973) (1832).

2. See generally SparkNotes: The Civil Rights Era (1865-1970), <http://www.sparknotes.com/history/american/civilrights> (last visited Nov. 2, 2007).