Justice, nor the meane, whereby we may attaine to the end, and that is the law."[14] Much the same language was incorporated into the Virginia Declaration of Rights of 1776[15] and from there into the Sixth Amendment. The right to a speedy trial is a right of an accused, but it serves the interests of defendants and society alike. The provision is "an important safeguard to prevent undue and oppressive incarceration prior to trial, to minimize anxiety and concern accompanying public accusation and to limit the possibility that long delay will impair the ability of an accused to defend himself."[16] But on the other hand, "there is a societal interest in providing a speedy trial which exists separate from and at times in opposition to the interests of the accused." Persons in jail must be supported at considerable public expense and often families must be assisted as well. Persons free in the community after arrest may commit other crimes, lengthy intervals between arrest and trial may promote "bail jumping," and growing backlogs of cases may motivate plea bargaining that does not always match society's expectations for justice. And delay may retard the deterrent and rehabilitative effects of the criminal law.[17]

Application and Scope.—"The history of the right to a speedy trial and its reception in this country clearly establish that it is one of the most basic rights preserved by our Constitution." So finding, the Supreme Court held in the 1967 case of *Klopfer v. North Carolina* that the right to a speedy trial is one of those "fundamental" liberties that the Due Process Clause of the Fourteenth Amendment makes applicable to the states.[18] But beyond its widespread applicability in state and federal prosecutions are questions of when the right attaches, when it is violated, and how violations may be remedied.

The timeline between the commission of a crime and its trial may include an extended period for gathering evidence and decid-

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[14] Ch. 40 of the 1215 Magna Carta, a portion of ch. 29 of the 1225 reissue, translated and quoted by E. COKE, THE SECOND PART OF THE INSTITUTES OF THE LAWS OF ENGLAND 56 (Garland 1979 facsimile of 1642 ed.). *See also* Klopfer v. North Carolina, 386 U.S. 213, 223–24 (1967). The *Klopfer* Court cites an even earlier reference to a right to a speedy trial, dating from 1166. Id. at 223.

[15] 7 F. Thorpe, *The Federal and State Constitutions* H. DOC. NO. 357, 59TH CONGRESS, 2D SESS. 8, 3813 (1909).

[16] United States v. Ewell, 383 U.S. 116, 120 (1966). *See also* Klopfer v. North Carolina, 386 U.S. 213, 221–22 (1967); Smith v. Hooey, 393 U.S. 374, 377–379 (1969); Dickey v. Florida, 389 U.S. 30, 37–38 (1970).

[17] Barker v. Wingo, 407 U.S. 514, 519 (1972); Dickey v. Florida, 398 U.S. 30, 42 (1970) (Justice Brennan concurring). The Speedy Trial Act of 1974, Pub. L. 93–619, 88 Stat. 2076, 18 U.S.C. §§ 3161–74, codified the law with respect to the right, intending "to give effect to the sixth amendment right to a speedy trial." S. REP. NO. 1021, 93d Congress, 2d Sess. 1 (1974).

[18] Klopfer v. North Carolina, 386 U.S. 213, 226 (1967).