

## Gideon v. Wainwright, 1963

### Background of the Case:

Clarence Earl Gideon lived in Florida and was a petty thief who had previously been arrested four times for minor offenses. In 1961 he was arrested for breaking into a pool-hall in Panama City. He had only stolen a pint of wine and some change from a cigarette machine. At his trial he asked for a lawyer as he could not afford one. The judge refused his request. In Florida the law was that a lawyer could only be granted if the person was charged with a capital offense and where the death penalty could be charged.

Gideon pleaded not guilty and became his own lawyer. He was found guilty and sentenced to five years in prison.

From prison, Gideon submitted a **handwritten petition** to the United States Supreme Court to accept his case as a **pauper**. This term is very important as the Court must take requests from such individuals and grant them a lawyer. The Court appointed him Abe Fortas, an attorney who would later become a Supreme Court Justice.

### Constitutional Issue:

Another major issue why the Court accepted the case was to reconsider an earlier decision from 1942 under the *Betts v. Brady* case. In this case, the Court ruled that outside of special circumstances, the due process clause of the Fourteenth Amendment did not require the application of the Sixth Amendment's guarantee of counsel in criminal cases to state trials. A previous ruling (*Powell v. Alabama*) had ruled that state courts would provide counsel in capital cases.

**The issue in Gideon's case was: Under the Sixth Amendment, is a defendant who cannot afford a lawyer in a criminal case deprived of his/her right to counsel if he/she is not supplied with one?**

### The Court's Decision

The Court ruled in Gideon's favor and overturned the previous ruling of *Betts v. Brady*.

The Court's opinion was written and given by Justice Hugo Black:

*"in our adversary system of criminal judgement, any person haled [brought] into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him."*

*"Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute, and defendants who have 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 counsel of one charged with a crime may not be deemed fundamental and essential for 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 the poor man charged with crime has to face his accusers without a lawyer to assist him.”*

*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 to prepare his defense adequately, even though he may have a perfect one. He requires the guiding hand of counsel at every step of 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.”*

Clarence Earl Gideon was granted a new trial. It was in the same court that had previously convicted him. This time he had a court-appointed lawyer. He appeared before the same judge as before, in the very same courtroom as previously convicted.

**Clarence Earl Gideon was acquitted.**

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Name: \_\_\_\_\_

1. Why did the Supreme Court believe that Gideon could not defend himself?

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2. Did the Court rule that a defendant could never act as his or her own lawyer? Explain

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3. Under the *Gideon* ruling, why is a trial judge required to appoint a lawyer for defendants who claim they are too poor to pay for one?

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4. Why is the *Gideon* decision regarded as a historic civil liberties victory?

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