



Landmark Supreme Court Cases and the Constitution

Gideon v. Wainwright (1963)

Monday, March 24, 2008

OVERVIEW

This month we spotlight the landmark criminal procedure case *Gideon v. Wainwright* (1963). The individual at the center of this case, Clarence Gideon, sent a handwritten petition to the Supreme Court challenging his conviction for breaking into a Florida pool hall. He argued that he did not have a fair trial, because he had not been given a lawyer to help him with his defense. The Court held that the Sixth Amendment's protection of the right to counsel meant that the government must provide an attorney for accused persons who cannot afford one.

RESOURCES

- <http://citizenbee.org/user/StudentGuide.aspx?id=869>
- <http://citizenbee.org/user/StudentGuide.aspx?id=869>
- http://www.oyez.org/cases/1960-1969/1962/1962_155/
- http://arcweb.archives.gov/arc/digital_detail_summary.jsp?&tn=599401&nw=y&rn=1&nh=1&ni=0&st=b&rp=details&si=0

ACTIVITY

At the time the Constitution was adopted, British courts denied lawyers to individuals charged with treason or felonies. People accused of criminal misdemeanors, however, were provided lawyers. The American colonies (and, later, the states) rejected this practice. Most of the original thirteen states allowed defendants in all cases to have lawyers. The Sixth Amendment, ratified in 1791, states, "In all criminal prosecutions, the accused shall enjoy the right to...have the Assistance of Counsel for his defence." Through the years, the Supreme Court has heard several cases about whether poor criminal defendants had a right to a lawyer at public expense, or whether the Sixth Amendment only meant that the government could not stop accused persons from hiring one.

In 1961, Clarence Earl Gideon was arrested in Florida for breaking into a Panama City pool hall with the intent to steal money from the vending machines. This was a felony. When Gideon appeared in court, his request for a court-appointed lawyer was denied. Florida law only required lawyers for defendants charged with capital offenses. Gideon had no choice but to defend himself at his trial. He was found guilty, and sentenced to five years in prison.

While in prison, Gideon made frequent use of the prison library. With the knowledge he gained there, along with the help of a fellow inmate with a legal background, he submitted a hand-written petition to the Supreme Court. In his petition, he challenged the constitutionality of his conviction, as he had not been able to have the assistance of counsel for his defense.

The Supreme Court agreed with Gideon that he had not been given a fair trial, and overturned his conviction. The Court's vote was unanimous. The Court reasoned that the right to counsel was "fundamental." The Court continued, "in our...system of justice, any person...too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth....[L]awyers in criminal courts are necessities, not luxuries."

QUESTIONS

1. How does the Sixth Amendment protect accused person's right to counsel?
2. What happened when Clarence Gideon requested an attorney to assist with his defense against charges of breaking into a Florida pool hall?
3. Why did Gideon challenge his conviction?
4. How did the Supreme Court rule? Do you agree with the ruling? Why or why not?
5. What, if anything, does the Court's ruling in *Gideon* reveal about the American commitment to justice and the rule of law?



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ANSWERS

1. The Sixth Amendment states that in all criminal trials, the accused has the right to have the assistance of counsel for his defense.
2. His request was denied.
3. He challenged his conviction because he had not had the assistance of counsel for his defense.
4. The Court agreed with Gideon and unanimously overturned his conviction. The Court reasoned that the right to counsel was fundamental, and that lawyers in criminal cases were necessities, not luxuries. Answers will vary.
5. Students may say that the Court's decision reveals the American commitment to fairness in criminal trials. They may point out, as the Court did, that people's ability to defend themselves adequately in court should not depend on their wealth. If a person is convicted, it should be the result of a fair trial in which both sides were represented, and not a trial in which the state spent vast sums of money while the defendant was too poor to even hire a lawyer.