

## **Gideon v. Wainwright / Background •—Answer Key**

On June 3, 1961, someone broke into the Bay Harbor Pool Room in Panama City, Florida. The cigarette machine and jukebox were smashed and money was missing. A **witness** said he saw Clarence Earl Gideon in the poolroom early that morning. The police found Gideon and arrested him. He had a lot of change in his pockets and was carrying a bottle of wine. They charged him with breaking and entering.

Gideon was poor. He could not afford a lawyer. At the trial, he asked the judge to appoint a lawyer for him. The judge said no. Gideon argued that the Sixth Amendment says he is **entitled** to a lawyer. The judge told Gideon that the state doesn't have to pay for a poor person's **legal defense**. This meant that Gideon had to defend himself. He didn't do a very good job of defending himself in court. For example, he called some witnesses who helped the other side more than they helped him.

Gideon was found guilty and was sentenced to five years in jail. He thought that this was unfair because he had not been given a lawyer. He asked the Supreme Court of Florida to release him but the court said no. Gideon kept trying. He wrote a petition and sent it to the Supreme Court of the United States. When it read what Gideon had written, the Court agreed to hear his case.

In an earlier case, *Betts v. Brady*, the Court had ruled that in state criminal trials, the state must supply a poor defendant with a lawyer only if there are "special circumstances." These special circumstances could be that the case is very complicated or that the person is unable to read or write or not competent to represent himself. Gideon did not claim any of these special circumstances. The Court needed to decide if it should get rid of this "special circumstances" rule. If it did so, then poor people like Gideon would be given a lawyer if charged with a **felony** in a state court.

### **Questions to Consider**

1. What was Gideon accused of doing?  
Gideon was accused of breaking into the Bay Harbor poolroom, smashing the cigarette machine and jukebox and stealing money. He was charged with breaking and entering.
2. At the trial, what did Gideon ask the judge to give him? Do you think this would have helped him? Why or why not?  
At the trial, Gideon asked for a lawyer. It probably would have helped him because a lawyer is trained to defend people. Gideon was unprepared to defend himself.
3. What did Gideon send to the Supreme Court of the United States?  
Gideon sent the Supreme Court of the United States a handwritten petition asking the Court to hear his case.

4. Why did the Supreme Court of the United States agree to hear Gideon's case?  
The Court agreed to hear Gideon's case in order to determine if all poor people like Gideon should be given a lawyer free of charge in state criminal proceedings.

5. Do you think that poor people who are accused of crimes should be given a free lawyer? Why or why not?

Student answers will vary. A case can be made for either response. Some students will argue states should not have to provide poor defendants like Gideon with an attorney. These people might say that the Bill of Rights, and thus the right to an attorney, applies only to federal criminal cases. Furthermore, states should be able to determine how they run their criminal justice systems; requiring them to supply all indigent (poor) defendants with a lawyer would be costly. It might be preferable for state judges to determine in each case whether the particular indigent (poor) defendant could benefit from legal representation. Others will argue that the Sixth Amendment says, "In all criminal proceedings," not just some. They might add that the 14th Amendment extends the Sixth Amendment, so it applies to the states. Further, if the states and federal government share the same policies, the administration of justice will be more consistent and fairer.