Gideon v. Wainwright / Background ••—Answer Key

Between midnight and 8:00 a.m. on June 3, 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, Florida. Someone broke a window, smashed the cigarette machine and jukebox, and stole money from both. Later that day, a witness reported that he had seen Clarence Earl Gideon in the poolroom early that morning. When Gideon was found nearby with a pint of wine and some change in his pockets, the police arrested him. They charged him with breaking and entering.

Gideon was a semi-literate drifter who could not afford a lawyer. When he appeared at the Florida Circuit Court for trial, he asked the judge to appoint one for him. Gideon argued that the Court should do so because the Sixth Amendment says that everyone is entitled to a lawyer. The judge denied his request, claiming that the state doesn't have to provide a poor person with a lawyer unless "special circumstances" exist. Gideon was left to represent himself.

He had been arrested many times before, so he understood some of the legal procedures. However, he did a poor job of defending himself. For instance, his choice of witnesses was unusual—he called the police officers who arrested him to testify on his behalf. He lacked skill in questioning witnesses, which made it difficult for him to present his case.

Gideon was found guilty of breaking and entering and petty larceny, which was a felony in Florida. He was sentenced to five years in a Florida state prison. While there, he began studying law in the prison library. Gideon's study of the law reaffirmed his belief that the Circuit Court's refusal to appoint counsel for him constituted a denial of his rights. With that in mind, he filed a petition with the Supreme Court of Florida for *habeas corpus*, which is an order to free him because he had been illegally imprisoned. That petition was rejected, but Gideon persevered. From his prison cell, he handwrote a petition asking the Supreme Court of United States to hear his case. The Court allowed him to file it *in forma pauperis*, or free of charge. After reading the petition, they agreed to hear his case.

The justices were interested not simply with the merits of Gideon's case, but with the larger issue of whether poor people charged with noncapital offenses are entitled to a free lawyer in state criminal trials. In a 1942 case, *Betts v. Brady*, the Court had ruled that in state criminal trials, the state must supply an indigent defendant with a lawyer only if special circumstances exist. These special circumstances include complex charges, incompetence, and illiteracy on the part of the defendant. Gideon did not claim any of these special circumstances, so for the Court to rule in his behalf, they would need to overturn *Betts v. Brady*. The Supreme Court of the United States asked both sides to present arguments on the issue of "Should *Betts v. Brady* be overturned?"

Questions to Consider

1. What were the charges against Gideon?
   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. Did Gideon seem to be capable of defending himself? Could a lawyer have helped him? If so, how?
   Gideon was unprepared and did not seem to have the legal training necessary to defend himself. A lawyer would have been more knowledgeable about the nuances of courtroom procedure and could have helped him by calling appropriate witnesses on his behalf and by challenging the prosecution's witnesses.

3. What was unusual about the petition that Gideon filed with the Supreme Court of the United States?
   The petition Gideon filed with the Supreme Court of the United States was handwritten and prepared by Gideon himself without any legal assistance.

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 whether in state criminal trials, indigent defendants are entitled to a lawyer, even in non-capital cases.

5. In *Betts v. Brady*, the Court had said that in state courts, poor people are entitled to an attorney free of charge only if "special circumstances" existed. Gideon did not claim any special circumstances. Do you think that states should be required to provide him and others like him with a 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 defendants with a lawyer would be costly. It might be preferable for state judges to determine in each case whether the particular indigent 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.

