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 at around 5:30 that morning. When Gideon was found nearby with a pint of wine and some change in his pockets, the police arrested him and 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, not having any reason to believe they would help his case. He had no experience in cross-examining a witness in order to impeach that person's credibility, so his line of questioning was not as productive as a lawyer's would have been.

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, partly because of his prior criminal record. 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. After the Supreme Court of Florida rejected his petition, he handwrote a petition for a *writ of certiorari* to the Supreme Court of the United States, asking that it hear his case. The Court allowed him to file it *in forma pauperis*, which meant that the Court would waive the fees generally associated with such a petition. Generally, the Court dismisses most of these petitions; however, it accepted Gideon's.

In state criminal trials, is an indigent defendant entitled to a lawyer, even in noncapital cases? That was the question the Court agreed to decide when they accepted Gideon's petition. It was not merely a question of whether Gideon had been treated fairly; the Court's ruling would affect many other people who faced similar circumstances. In a previous decision, *Betts v. Brady* (1942), the Court had held that in state criminal trials, an indigent defendant must be supplied with an

attorney only in special circumstances, which included complex charges and incompetence or illiteracy on the part of the defendant. Since Gideon had not claimed special circumstances, the Court would have to overturn *Betts* in order to rule in Gideon's favor. 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 accusations against Clarence 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 capable of defending himself? How could a lawyer have helped him?
   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 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. What is the language in the Bill of Rights that is relevant to this case? Would you interpret those words to mean a defendant cannot be denied an attorney if they can afford one, or that a defendant must be provided an attorney even if they cannot afford one? Why?
   The relevant language is in the Sixth Amendment, which says, "In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense." (Technically, the Sixth Amendment applies only to the federal government. The Supreme Court also held that the 14th Amendment's due process clause applies the Sixth Amendment to the States.) Some students will argue that the language of the Sixth Amendment means that a defendant is entitled to an attorney only to the extent that a defendant cannot be prevented from hiring one. Others will argue that a defendant must be provided one because if the right exists in theory only, and not in practice, then it is not really a right.

6. Do you think the states should be required to provide defendants like Gideon 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.