

GIDEON V. WAINWRIGHT (1963)

The Facts

Clarence Earl Gideon, a penniless Florida drifter, was arrested for the burglary of a Florida pool hall. The cigarette machine had been broken into and the money taken. Witnesses at the trial reported seeing Gideon outside the pool hall in the early morning hours, carrying a bottle of wine. Gideon was known to have a drinking problem, and he had served time in prison before for similar offenses. At his trial, Gideon asked for a court-appointed attorney, since he could not afford a lawyer. Under Florida law at that time, he could only receive a court-appointed lawyer if the case was a capital case. His request was denied, and he conducted his own defense.

The Florida court convicted Gideon and sentenced him to five years in prison. While in prison, Gideon used the prison law library to research his case. Using a pencil, in a handwritten scrawl, Gideon composed a petition asking the Supreme Court to review his case.

"The question is very simple," wrote Gideon. "I requested the [Florida] court to appoint me an attorney and the court refused." He maintained that the state court's refusal to appoint counsel for him denied him rights "guaranteed by the Constitution and the Bill of Rights" in the Sixth and Fourteenth Amendments. The Supreme Court decided to review Gideon's case. Unlike the Florida court, however, the Supreme Court did not expect Gideon to argue his own case. Instead, the Court appointed Abe Fortas, a prominent Washington lawyer and future Supreme Court Justice, to argue Gideon's case. Fortas defended Gideon "pro bono publico" (for the good of the public), donating his time and money for the cause of justice.

The Constitutional Issue

The Sixth Amendment states that "in all criminal prosecutions the accused shall enjoy the right...to have the assistance of counsel for his defense." Despite the unmistakably clear meaning of this wording, The Supreme Court had ruled in earlier cases that in state courts needy defendants had a constitutional right to court-appointed lawyers in only two situations: in cases involving the death penalty (*Powell v. Alabama*, 1932) and in cases where special circumstances, such as youth, mental incompetence, legally complicated case, or illiteracy, required furnishing an attorney to assure a fair trial (*Betts v. Brady*, 1942).

Should the Sixth Amendment right to counsel apply to all criminal cases? Or should the Court continue to follow the precedent set in *Betts v. Brady*? In arguing the *Gideon* case, the Supreme Court asked the attorneys to specifically consider the question: should it overrule *Betts v. Brady*?

The Decision

The Court ruled unanimously in Gideon's favor and overruled *Betts v. Brady*. Thus, the Court held that the right to counsel was so fundamental that the Fourteenth Amendment's "due process" clause extended the Sixth Amendment's guarantee of counsel to all defendants in criminal cases in both state and federal courts. Since the rights guaranteed in the Bill of Rights were written to apply to the national government, this ruling played a major role in requiring the states to comply with the Bill of Rights.

As a result of the ruling, The State of Florida granted Clarence Earl Gideon a new state trial in August of 1963. Represented by a court-appointed attorney, Gideon was found innocent. The attorney was able to locate witnesses who could place Clarence Earl somewhere else at the time of the burglary. (The accusers from his first trial were later found to have lied to cover up their own crime.) In addition, the Supreme Court's decision caused states throughout the nation to review numerous cases. Defendants too poor to afford an attorney's fees, who had been tried without the benefits of counsel, received new trials. The courts found many innocent and released them from prison.

The *Gideon* case reflected the emergence of a nation-wide concern with equal justice for the poor. It recognized that, left without the aid of counsel, even intelligent and educated persons have very little chance of successfully defending themselves in criminal trials.