

Gideon v. Wainwright / Background ●●

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?
2. Did Gideon seem capable of defending himself? How could a lawyer have helped him?
3. What was unusual about the petition Gideon filed with the Supreme Court of the United States?
4. Why did the Supreme Court of the United States agree to hear Gideon's case?
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?
6. Do you think the states should be required to provide defendants like Gideon with a lawyer? Why or why not?