Gideon v. Wainwright / Document Analysis¹—Answer Key

Answer the following questions using the photos of Gideon’s petition (pages 2-6):

1. **Type of document (check one):**
   - [X] Newspaper
   - [X] Letter
   - [ ] Patent
   - [ ] Memorandum
   - [ ] Map
   - [ ] Telegram
   - [ ] Press release
   - [ ] Report
   - [ ] Advertisement
   - [ ] Congressional record
   - [X] Census report
   - [X] Other: __________

2. **Unique physical qualities of the document (check one or more and note details):**
   - [X] Interesting letterhead
   - [X] Handwritten
   - [ ] Typed
   - [ ] Seals
   - [X] “Received” stamp
   - [ ] Other: __________
     
     Details: The document is stamped indicating it was received during the October Term 1961, U.S. Supreme Court

3. **Author (or creator) of the document:**
   The petition is signed by Clarence Earl Gideon, petitioner.

4. **Why do you think this document was written?**
   In the petition, Gideon is asking the Supreme Court of the United States to hear his case. (He argues that one cannot get a fair trial without the aid of counsel. He asks the Court to issue a writ of certiorari.)

5. **What evidence in the document helps you know why it was written? Quote from the document.**
   Students may cite various passages from the document, which may include the following:
   - Petitioner submits that the Supreme Court of the United States has the authority and

¹ Adapted from the National Archives and Records Administration’s “Analyze a Written Document” resource.
jurisdiction to review the final judgment of the Supreme Court of the state of Florida... because the 14th amendment [sic] of the constitution and the fifth and sixth articales [sic] of the Bill of rights has been violated.

- He ask [sic] the lower court for the aid of counsel. The court refused this aid. Petitioner told the court that this court had made decision [sic] to the effect that all citizens tried for a felony should have aid of counsel. The lower court ignored this plea. c. Wherefore the premises considered it is respectfully contested [sic] that the decision of the court below was in error and the case should be review[sic].

6. Discuss responses with your classmates.
In the Supreme Court of the United States  
Washington D.C.

Clarence Earl Gideon  
Petitioner  

vs.  

H.G. Cochran, as to the Supreme Court  
Director, Division of Corrections  
State of Florida

No. 790  
Oct. Term 1931

To the Honorable Earl Warren, Chief Justice of the United States:  

Comes now the petitioner, Clarence Earl Gideon, a citizen of the United States of America, in proper person and appearing as his own counsel, who petitions this Honorable Court for a Writ of Certiorari directed to the Supreme Court of the State of Florida, to review the order and judgment of the court below denying the petitioner a Writ of Habeas Corpus.

Petitioner submits that the Supreme Court of the United States has the authority and jurisdiction to review the final judgment of the Supreme Court of the State of Florida, the highest court of the State, under Sec. 344 (B) Title 28, U.S.C.A. and because the 'due process clause' of the
DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS

MAIL WILL NOT BE DELIVERED WHICH DOES NOT COMFORM WITH THESE RULES

No. 1 — Only 3 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do no write between lines. Your complete name must be signed at the close of your letter. The letter may be accompanied with stamps, letters from other people, stationery or cash must not be enclosed in your letters.

No. 2 — All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 — Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 — Letters must be written in English only.

No. 5 — Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 — Money must be sent in the form of Postal Money Orders only, in the inmate’s complete prison name and prison number.

INSTITUTION ________________________  CELL NUMBER ________________________

[Handwritten text in a single line starts]

Fourteenth amendment of the constitution and the fifth and sixth articles of the Bill of Rights has been violated. Furthermore, the decision of the Court below denying the petitioner a Writ of Habeas Corpus is also inconsistent and adverse to its own previous decisions in parallel cases.

Attached hereto and made a part of this is a true copy of the petition for a Writ of Habeas Corpus as presented to the Florida Supreme Court. Petitioner asks this Honorable Court to consider the same arguments and authorities cited in the petition for Writ of Habeas Corpus before the Florida Supreme Court. In consideration of this petition for a Writ of Certiorari.

The Supreme Court of Florida did not write any opinion. Order of that Court denying petition for Writ of Habeas Corpus dated October 30, 1961, are attached hereto and made a part of this petition.

Petitioner contends that he has been deprived of due process of law. Habeas Corpus petition alleging that the lower state court has decided a
federal question of substance, in away not in accord with the applicable decisions of this Honorable Court. When at the time of the petitioner's trial, he ask the lower court for the aid of counsel, the court refused this aid. Petitioner told the court that this court had made decision to the effect that all citizens tried for a felony crime should have aid of counsel, the lower court ignored this plea.

Petitioner alleges that prior to petitioners convictions, and sentence for Breaking and Entering with the intent to commit petty larceny, he had requested aid of counsel, that at the time of his conviction and sentence, petitioner was without aid of counsel. That the Court refused and did not appoint counsel, and that he was incapable adequately of making his own defense, in consequence of which he was made to stand trial, Made a Prima Faci showing of denial of due process of law. (U.S.A. Const. Amend. 14) William V. Kaiser Ws. State of Missouri 65 Ct. 363.

Counsel must be assigned to the accused if he is unable to employ
DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS

Mail will not be delivered which does not conform with these rules

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or card must not be enclosed in your letters.

No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION ___________________________  CELL NUMBER ___________________________

NAME ________________________________  NUMBER ________________________________

One, and is incapable adequately of making his own defense

Tompkins vs State Missouri 645 U S 370

On the 3rd June 1961 A B your petitioner was arrested for for said crime and convicted for same. Petitioner received trial and sentence without aid of counsel, your petitioner was deprived due process of law.

Petitioner was deprived of due process of law in the court. Evidence in the lower court did not show that a crime of breaking and entering with the intent to commit petty larceny had been committed. Your petitioner was compelled to make his own defense. He was incapable adequately of making his own defense. Petitioner did not plead no contest.

But that is what his trial amounted to.
DIVISION OF CORRECTIONS

CORRESPONDENCE REGULATIONS

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cash must not be enclosed in your letters.

No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION

NAME

NUMBER

WHEREFORE the premises considered, it is respectfully contended that the decision of the court below was in error and the case should be reviewed by this court, accordingly the writ prepared and prayed for should be issued.

IT IS RESPECTFULLY SUBMITTED

Clarence Earl Gideon

Petitioner Clarence Earl Gideon, personally appearing before me and being duly sworn, affirms that the foregoing petition and the facts set forth in the petition are correct and true.

Sworn and subscribed before me this 5th day of Jan., 1962.

Lawrence G. Smiley

Notary Public

State of Florida

County of Union

P.O. Box 221

Raiford, Florida