Classifying Arguments Activity—Answer Key

Gideon v. Wainwright (1963)

After reading the background, facts, issue, constitutional amendments, and Supreme Court precedents, read each of the arguments below. These arguments come from the briefs submitted by the parties in this case. If the argument supports the petitioner, Gideon (a defendant who was denied a court appointed lawyer), write G on the line after the argument. If the argument supports the respondent, Wainwright (the director of corrections) write W on the line after the argument. Work in your groups. When you have finished, determine which argument for each side is the most persuasive and be ready to give your reasons.

Arguments

1. If Betts v. Brady is overturned, states would have to provide lawyers to the indigent in all criminal prosecutions, no matter how small or trivial they are. This would place a tremendous burden on the taxpayers of every state. **W**

2. There is broad support to overturn Betts v. Brady. Twenty-two states filed amicus curiae briefs to support the application of the Sixth Amendment right to counsel to state courts regardless of type of offense. **G**

3. Fair trials cannot be assured unless everyone has the assistance of a lawyer. The average person does not have the knowledge, resources, and skill required to provide an adequate legal defense for themself. **G**

4. Betts v. Brady established that in any criminal case a defendant is entitled to counsel if they can claim special circumstances that show they would be denied a fair trial without counsel. Gideon did not claim such circumstances. **W**

5. The Supreme Court has ruled that the right to counsel in death penalty cases is fundamental and applies to the states (Powell v. Alabama), but not in non-death-penalty cases (Betts v. Brady). This is not logical, and Betts v. Brady should be overturned. The Sixth Amendment does not distinguish between types of criminal cases, and neither does the 14th Amendment. Even non-capital crimes can result in long prison sentences, which is depriving someone of their liberty. There is no “trivial” criminal case because a person’s liberty is at stake. **G**
6. The United States has a federal system in which the federal government may not exercise arbitrary power over the states. Imposing an inflexible rule on states that all defendants are entitled to counsel if they cannot afford one would allow the Supreme Court (the federal government) to intrude into states’ powers. A state should be free to adopt any system it chooses, experimenting and adopting the types of rules and procedures it feels are necessary in its own courts.

7. The Supreme Court should uphold *Betts v. Brady*, which was decided only 21 years before *Gideon*. The Court considered this issue then and issued a ruling that should remain.

8. There was a change in thinking about the right to counsel between 1942, when *Betts v. Brady* was decided and 1963, when *Gideon* was in front of the Court. At the time of the *Betts v. Brady* decision, fewer than half of the states required appointment of counsel to the poor. At the time of Gideon’s arrest, over 45 states required it.

9. It is possible for a defendant without a lawyer to have a fair trial. Several judges may be involved in the processing of a defendant including arraignment, pretrial, and the trial. This exposure to multiple judges protects the defendant who is without a lawyer, as each judge knows the law and will ensure that the defendant is treated fairly. In any case, representation by a lawyer does not automatically guarantee a fair trial.
Gideon v. Wainwright / Sixth Amendment Analysis—Answer Key

The Sixth Amendment to the Constitution as proposed and ratified:

“Article in the Eighth... In all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.”


Vocabulary

1. Define the following terms below and others you are not familiar with in your own words. You may wish to consult a legal dictionary at https://dictionary.law.com/ or https://www.nolo.com/dictionary.

   a. ascertain: to find something out for sure.
   b. accusation: a charge of wrong-doing.
   c. compulsory: mandatory, obligatory, without choice.
   d. counsel: a lawyer.
   e. defence (defense): the case presented by the defendant/the defendant’s attorney against an accusation of a crime or lawsuit.
   f. impartial: not already decided, not biased, not prejudiced.
   g. prosecutions: the act of bringing charges against someone in court. This also refers to the group who is bringing the charges.
Gideon v. Wainwright / Sixth Amendment Analysis

h. Other words you need to define: Student answers will vary.

Observe

2. What do you notice first about the original copy of the proposed Bill of Rights?
   Student answers will vary but may include that it is in cursive handwriting, hard to read, labeled “Article in the Eighth.”

3. What do you notice first about the words in this amendment?
   4. Student answers will vary but may include that it is labeled “Article in the Eighth” although it is the Sixth Amendment, that the terminology can be difficult to understand, that “defence” uses an old spelling.

Reflect

5. What rights does the Sixth Amendment guarantee in your own words?
   Student answers will vary but should include the right to a quick and public trial in the state where the crime took place, to be told the charges, to be able to question witnesses (against and in favor) and to have the help of a lawyer.

6. Why do you think the Framers of the Bill of Rights included the Sixth Amendment?
   Student answers will vary but may include references to the grievances against King George III in the Declaration of Independence including being denied a fair trial.

Question

7. What do you still wonder about this source?
   Student answers will vary.
Gideon v. Wainwright / Opinion Analysis—Answer Key

Justice Hugo Black wrote the Majority Opinion of the Court:

GIDEON v. WAINWRIGHT, CORRECTIONS DIRECTOR.

CERTIORARI TO THE SUPREME COURT OF FLORIDA.


Charged in a Florida State Court with a noncapital felony, petitioner appeared without funds and without counsel and asked the Court to appoint counsel for him; but this was denied on the ground that the state law permitted appointment of counsel for indigent defendants in capital cases only. Petitioner conducted his own defense as well as could be expected of a layman; but he was convicted and sentenced to imprisonment. Subsequently, he applied to the State Supreme Court for a writ of habeas corpus, on the ground that his conviction violated his rights under the Federal Constitution. The State Supreme Court denied all relief. Held: The right of an indigent defendant in a criminal trial to have the assistance of counsel is a fundamental right essential to a fair trial, and petitioner’s trial and conviction without the assistance of counsel violated the Fourteenth Amendment. Betts v. Brady, 316 U.S. 455, overruled. Pp. 336–345.

Reversed and cause remanded.


Constitutional Provisions

Sixth Amendment to the U.S. Constitution

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”
14th Amendment to the U.S. Constitution, Section 1

“… nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Vocabulary

1. Define the following terms below and others you are not familiar with in your own words. You may wish to consult a legal dictionary at https://dictionary.law.com/ or https://www.nolo.com/dictionary.

   a. counsel: a lawyer.
   b. federal: the level of government that controls the United States as a whole rather than just a single state.
   c. felony: a serious criminal offense punishable by a prison sentence of more than one year.
   d. fundamental right: a right that is considered so important that the government must protect it.
   e. indigent: poor.
   f. layman: someone who is not an expert, not a professional in a field.
   g. non-capital: a crime for which the death penalty is not an option.
   h. petitioner: the person or group who appeal to a court to hear a case.
   i. Other words you need to define: Student answers will vary.

Observe

2. What do you notice first about the words in this text?

   Student answers will vary but may include Gideon v. Wainwright, Corrections Director (case name), Certiorari to the Supreme Court of Florida, Argued January 15, 1963 – Decided March 18, 1963.

Reflect

3. Put this part of the opinion in your own words:

   Student answers will vary.

4. What is the purpose of this piece of the opinion?

   The purpose of this piece of the opinion is to state the Supreme Court’s decision (holding) that assistance of counsel is a fundamental right and that Gideon’s trial was unconstitutional. It states that Betts v. Brady has been overruled.
5. Who is the primary audience for this opinion?

   The primary audience of this opinion is the parties involved in the case (Gideon and Wainwright/state of Florida) but also people in state governments who will now have to provide lawyers and lower court judges who will have to apply this ruling in their courtrooms.

Question

6. What do you still wonder about this source?

   Student answers will vary.
**Gideon v. Wainwright / Newspaper Analysis—Answer Key**


**Observe**

1. What text do you notice first?

   Student answers will vary but might include the headline, “Appointed Attorneys…Fight By Florida Man Brings Change In Law,” PANAMA CITY, Fla, or “Asked For Attorney.”

2. What do you learn just from the titles and subtitles?

   You learn that a “Fight By Florida Man Brings Change In Law,” and that he “Asked For Attorney.”

3. Where and when was this article published? What is the significance?

   The article was published on August 7, 1963, in the Chronicle. It discusses a case where a Florida man fought against the appointment of appointed attorneys, leading to a change in law.
This article was published in Mississippi on August 7, 1963. The date is significant because *Gideon v. Wainwright* was decided on March 18, 1963 so this article is explaining the case to the public. It is significant that it was published in Mississippi because the last paragraph tells us that the state legislature has “passed a law providing public defenders for all of the state’s judicial circuits.”

**Reflect**

4. What can you tell about what was important at the time and place of publication?

   By the headline and length of the article you can tell that this case was significant to the community.

5. What can you tell about the point of view of the people who wrote and published this article?

   In the second paragraph it states, “And thousands of inmates of prisons in Florida and other states have the hope of new trials, with lawyers to defend them.” This seems to indicate a general agreement with the decision in *Gideon v. Wainwright*.

6. What do you learn about the importance of the decision in Gideon v. Wainwright (1963) from this article?

   The article calls the decision “a legal landmark, overturning the Florida Supreme Court.” It also explains that as a result of the ruling the state legislature has “passed a law providing public defenders for all of the state’s judicial circuits.”

**Question**

7. What do you still wonder about this source?

   Student answers will vary.
**Gideon v. Wainwright / Inquiry-based Task: Will You Sign the Resolution?—Answer Key**

**Before you begin:**
- Read *Gideon v. Wainwright* case summary
- Optional: Complete Classifying Arguments Activity
- Complete Sixth Amendment Analysis (Activity 1)
- Complete Opinion Analysis (Activity 2)
- Complete Newspaper Analysis (Activity 3)

**Background:**
As a result of the decision in *Gideon v. Wainwright*, states were required to set up a system to provide attorneys to defendants who could not afford them. Many states established public defenders’ offices and hired attorneys full time for this job.

![Chart 3: Indigent Defense in Missouri—Hours Spent Compared to Hours Recommended](https://www.aclu.org/sites/default/files/field_document/Ex007-The-Missouri-Project-2014-Public-Defender-Study.pdf)
On the 50th anniversary of the decision in *Gideon v. Wainwright*, the U.S. Department of Justice issued a statement that included the following assessment: “Despite the significant progress that has been made over 50 years after the decision, the promises of *Gideon* remains unfulfilled. The quality of criminal defense services varies widely across states and localities. Many defenders struggle under excessive caseloads and lack adequate funding and independence, making it impossible for them to meet their legal and ethical obligations to represent their clients effectively.” The chart on page 1 illustrates this problem in the state of Missouri.

**Your task:**

You were recently elected as your district’s representative to the United States House of Representatives. Tomorrow you must vote on whether to support House Resolution 108.1 To make an informed decision you should consider the following questions:

1. **Read House Resolution 108 (pages 4 and 5). Do you agree with the numbered provisions? Why or why not?**
   
   (1) Recognizes and honors the 50th anniversary of the decision in *Gideon v. Wainwright* – Student answers will vary.
   
   (2) Encourages all people in the United States to recognize and honor the 50th anniversary of the *Gideon v. Wainwright* decision – Student answers will vary.
   
   (3) Supports strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel – Student answers will vary.

2. **How do you think the House of Representatives might “support strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel” as encouraged in the resolution?**

   Student answers will vary. Based on the chart, students might respond that more public defenders should be employed so the recommended number of hours can be spent on cases.

3. **If H.Res.108 is successful, what might the impact (if any) be? If it fails?**

   Student answers will vary. Students might respond that if it passes it will raise awareness of the importance of this case, the role of public defenders, and the need for reform. If it fails, it might signal that reforming the criminal justice system is not a priority in Congress.

4. **Will you vote “yea” or “nay” on H.Res.108? What informed your decision?**

   Student answers will vary but may include information from the preamble to the resolution.

5. **Create an “elevator speech” (a short, persuasive speech that lasts no longer than one minute) encouraging your fellow representatives to vote with you.**

   Student answers will vary but may include information from the preamble to the resolution.

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6. Do you think H.Res.108 passed? Why or why not?
   Student answers will vary. H. Res. 108 did not pass. It was introduced to the House of Representatives on March 2, 2013. It was referred to the House Judiciary Committee and further referred to the subcommittee on the Constitution and Civil Justice. It “died” in committee.

7. What questions do you still have about H.Res.108?
   Student answers will vary.
113TH CONGRESS
1ST SESSION

H. RES. 108

Recognizing the 50th anniversary of the landmark case Gideon v. Wainwright, in which the Supreme Court held that counsel must be provided to indigent defendants in all felony cases.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Mr. Deutch (for himself, Mr. Chabot, Mr. Nadler, Mr. Conyers, and Mr. Watt) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Recognizing the 50th anniversary of the landmark case Gideon v. Wainwright, in which the Supreme Court held that counsel must be provided to indigent defendants in all felony cases.

Whereas, on March 18, 1963, the Supreme Court recognized in Gideon v. Wainwright that counsel must be provided to indigent defendants in all felony cases;

Whereas the Supreme Court held that providing counsel to indigent defendants in all felony cases meets the essential requirements of the 6th amendment to the United States Constitution;

Whereas the Supreme Court held in Argersinger v. Hamlin that indigent defendants are entitled, under the 6th
amendment to the United States Constitution, to court-appointed counsel in all cases where imprisonment is a possibility;

Whereas 50 years after the Gideon v. Wainwright decision, excessive caseloads are preventing counsel for indigent defendants from providing quality representation; and

Whereas the provision of counsel to indigent defendants often lacks fairness and increases the risk that poor people will be wrongfully convicted: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the 50th anniversary of the decision in Gideon v. Wainwright;

(2) encourages all people in the United States to recognize and honor the 50th anniversary of the Gideon v. Wainwright decision; and

(3) supports strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel.