



Viewing Guide for *Gideon v. Wainwright* 1963

The Background of Gideon's Criminal Case:

1. What happened on June 3, 1961 at the Bay Harbor Pool Hall in Panama City, Florida?
2. Who was accused and what proof was offered for the arrest?
3. What was the charge?

Stop and Think: Based on the facts provided at this time, do you feel there was enough evidence to arrest Mr. Gideon? Explain your position.

Background of the Criminal Case continued: (1:23 to 2:55)

4. What happened when Mr. Gideon told the court he did not have the money to pay for an attorney and asked that one be appointed for him?
5. Why did Mr. Gideon feel he should be given an attorney by the state?
6. At this time why was Mr. Gideon wrong in his interpretation of the Sixth Amendment?

Two Earlier Key Supreme Court Cases: (2:56 to 3:34)

7. In 1930, what did the U.S. Supreme Court decide in *Powell v. Alabama* (also called the "Scottsboro Boys" case) with regards to this issue?

8. What was the second case in the 1940's involving the states and the Sixth Amendment's right to the assistance of counsel. How did the Supreme Court rule in this case?

Stop and Think: Give an example of what you would consider a special circumstance?

Clarence Gideon's Trial: (3:35 to 4:41)

9. What was the problem Gideon faced at his trial?

10. What was the verdict at Gideon's trial?

Steps to the U.S. Supreme Court: (4:42 to 6:41)

11. What is a writ of habeas corpus and how did Gideon use it in his appeal?

12. How did the Florida Appeals Court and the Florida Supreme Court respond to Gideon's writ of habeas corpus?

13. What did Gideon do next?

14. What were three results of Gideon's request for a writ of certiorari from the Supreme Court?

The Supreme Court Case: (6:41 to 11:30)

15. What was the question the Court had to answer in the Gideon case?

16. Why did Abe Fortas argue that to be fair, the criminal justice system in the United States required assistance of counsel for the defendant?

17. What sports analogy was used to explain Fortas' argument?

The Decision and Its Impact: (11:30 to the end)

18. What did the Supreme Court decide?

19. What Justice wrote the Supreme Court's opinion, and what was the basis of the opinion?

20. What happened to Clarence Gideon after the Supreme Court's decision?

Stop and Think: Why did Gideon have to be retried? Wasn't this double jeopardy, which is prohibited by the U.S. Constitution's Fifth Amendment?

21. What was the impact of the Gideon case on both misdemeanor and felony criminal cases in the future?

Conclusion: Read the quote below by Attorney General Robert Kennedy in 1963 and then answer the question, which follows. Provide evidence from the Gideon case to support your opinion.

"If an obscure Florida convict named Clarence Earl Gideon had not sat down in prison with a pencil and paper to write a letter to the Supreme Court, and if the Supreme Court had not taken the trouble to look at the merits in that one crude petition among all the bundles of mail it must receive everyday, the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter, the court did look into his case, he was retried with the help of competent defense counsel, found not guilty and released from prison after two years of punishment for a crime he did not commit. And the whole course of legal history has been changed."

Do you agree that the Gideon case changed the course of legal history in the United States? Why or why not?