



## Teacher Notes: *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?  
**The owner found a window broken, a few bottles of wine missing, the cigarette machine and jukebox smashed, and a small amount of change stolen from the machines.**
2. Who was accused and what proof was offered for the arrest?  
**Clarence Earl Gideon was arrested after a nearby resident told police he had see Gideon walking away from the pool hall about 5:30 AM. When police arrested Mr. Gideon, he had a pint of wine and a pocketful of change.**
3. What was the charge?  
**Mr. Gideon was charged with breaking and entering the pool hall with intent to commit petty larceny. At this time petty larceny was a felony offense in the state of Florida.**

**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?  
**The judge told him that he would have to defend himself because under Florida law the state only had to provide an attorney for a person who couldn't afford one if he/she was charged with a capital offense (one eligible for the death penalty).**
5. Why did Mr. Gideon feel he should be given an attorney by the state?  
**He claimed that the Sixth Amendment of the U.S. Constitution provided that a person accused of a crime is to have the assistance of counsel for his defense.**
6. At this time why was Mr. Gideon wrong in his interpretation of the Sixth Amendment?  
**As originally written, the Bill of Rights, including the Sixth Amendment, only applied to the federal government. The Supreme Court had not yet ruled that in state cases the Sixth Amendment required states to provide counsel for criminal defendants.**

### 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?  
**Even though it was a state case, the Supreme Court ruled that the state was required to appoint counsel if needed in capital cases where the death penalty was involved.**

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?

In *Betts v Brady*, the Supreme Court adopted the special circumstances rule. If a case was complicated or unique, these were special circumstances and therefore required the state to provide assistance of counsel even though the case might not involve the death penalty.

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?

He had no special circumstances, even though he had been in court before, he was not skilled in the procedures used in questioning witnesses or making objections. This did not qualify as a special circumstance.

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

Gideon was found guilty and sentenced to five years in a Florida jail.

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?

A writ of habeas corpus is a legal document that means a prisoner should be brought before a court to determine if his/her imprisonment is lawful. Gideon said he asked for an attorney and was denied one, and this was a violation of the Sixth Amendment, and he should be freed.

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

Both courts rejected the appeal. The Florida Supreme Court didn't even write an opinion because it said there were no special circumstances as required by the U.S. Supreme Court's *Betts'* decision.

13. What did Gideon do next?

Gideon filed a handwritten writ of certiorari petition on prison letterhead asking the U.S. Supreme Court to consider his case.

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

1. The Supreme Court agreed to hear his case. 2. The Court waived the fees for his appeal. 3. The Court appointed one of the finest attorneys of the time, Abe Fortas, to argue Gideon's case.

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

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

Does the right to counsel in criminal cases found in the Sixth Amendment of the U.S. Constitution apply to the states through incorporation by the due process of law clause of the Fourteenth Amendment?

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?

The criminal justice system is adversarial which means that both the prosecution and defense work to present the best possible case and then let the jury decide. In such a system, no defendant could be expected to go against a trained attorney and win.

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

It would be like one player in a baseball game is given a glove, bat, and a ball while the other player is only given a glove. The player with the bat, ball, and glove will always win because he/she has all the right tools to hit the ball and play the game.

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

18. What did the Supreme Court decide?

The Supreme Court ruled unanimously that Gideon had been denied his Sixth Amendment right to the assistance of counsel and reversed his conviction.

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

Justice Hugo Black wrote the opinion. He said defense counsel was a necessity, not a luxury, and was fundamental to a fair criminal trial.

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

Gideon was retried in the same Florida courtroom with the same judge, but this time he had a court appointed attorney. He was found innocent and set free.

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? (Students should recognize that this was not double jeopardy because he was found guilty at the first trial and he then appealed and won a new trial. Double jeopardy would only attach if he had been found innocent at the first trial. Then the state couldn't have retried him.)

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

As a result of this and many later Supreme Court decisions, if a conviction will lead to a person losing his/her liberty by having to serve time in jail, a court appointed attorney has to be provided if the defendant can't afford one.

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?