

**SUPREME COURT CASES 13**

Use with Chapter 17.

**GIDEON V. WAINWRIGHT (1963)****★ BACKGROUND OF THE CASE ★**

Clarence Earl Gideon was arrested for breaking into a Florida pool hall with the intention to burglarize it. At trial, the court refused his request for a court-appointed attorney, since Florida provided free counsel only in cases involving the death penalty.

Gideon pleaded not guilty and conducted his own defense. He was found guilty and sentenced to 5 years imprisonment.

From prison Gideon submitted a handwritten petition requesting the U.S. Supreme Court to accept his case on appeal. Such a petition is called *in forma pauperis*, or “as a pauper.” In such cases the Court may accept petitions from indigent individuals and then appoint counsel to represent them before the Court. In Gideon’s case, the Court appointed Abe Fortas as his attorney.

**★ CONSTITUTIONAL ISSUES ★**

Gideon’s case was taken by the Court in order to examine the decision in *Betts v. Brady* (1942). In *Betts*, the Court had held that the due process clause of the Fourteenth Amendment did not require the application of the Sixth Amendment’s guarantee of counsel in criminal cases to state trials, except in “special circumstances.” An earlier decision, *Powell v. Alabama* (1932), had ensured that state courts would provide counsel in cases involving the death penalty.

**★ THE COURT’S DECISION ★**

The Court found in Gideon’s favor, overturning *Betts v. Brady*. Justice Hugo Black wrote for the unanimous Court.

Basically, Justice Black observed, the Court accepted the theoretical standard of the *Betts* decision. “A provision of the Bill of Rights which is ‘fundamental and essential’ to a fair trial is made obligatory on the States by the Fourteenth Amendment,” he wrote. The *Gideon* ruling simply placed the right to counsel in all criminal cases among these essential provisions.

Black’s opinion was that the decision in *Betts* represented an abrupt break from precedents such as those found in *Powell*. These precedents, he stressed, as well as “reason and reflection,” convinced the Court that “in our adversary system of criminal jus-

tice, any person haled [brought] into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.”

Black reasoned that even an intelligent and well-educated person would generally be incapable of dealing with all the complications of legal processes and procedures such as indictments, witnesses, and evidence. “He lacks both skill and knowledge adequately to prepare his defense, even though he may have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him,” Black concluded.

Gideon won a retrial, this time with the assistance of a court-appointed attorney. Before the same judge and in the same courtroom, Gideon was acquitted.

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### \*\*\* THINKING ABOUT THE CASE \*\*\*

1. What did Gideon do from prison?

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2. In the Gideon case, did the court uphold the decision found previously in *Betts v. Brady*?

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3. Why did Black feel Gideon could not represent himself?

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