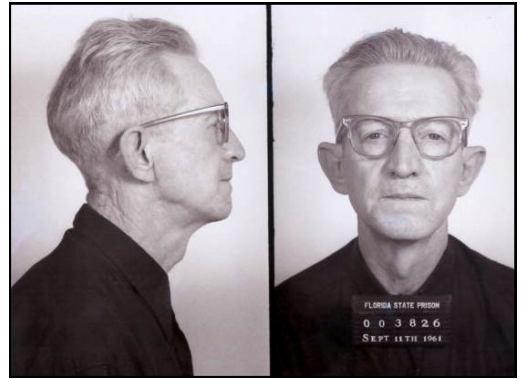


# Gideon v. Wainwright (1963) Name: \_\_\_\_\_

## Being Your Own Lawyer

If you had to represent yourself in court, would you know what to do? Would you be successful if the other side had a lawyer? In 1961, Clarence Earl Gideon was charged with breaking into a Florida pool hall and stealing some beverages and about \$5 in cash. He could not afford a lawyer, so he asked the court to appoint one for him. The court refused. Under Florida law, only a person charged with a crime that could result in the death penalty could have a free, court-appointed lawyer.

Gideon defended himself in front of the jury. He examined witnesses and made legal arguments, but it wasn't enough. The jury found him guilty and sentenced him to five years in prison.



Mug shot of Clarence Earl Gideon.  
Credit: State Archives of Florida

### ISSUE

Is it constitutional for states to deny a lawyer to criminal defendants who can't afford one?

### DECISION

No. A fair criminal trial requires that the defendant be given a lawyer.

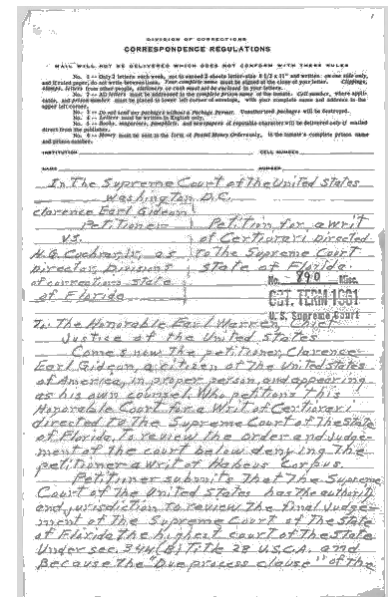
## The Argument

While in prison, Gideon petitioned the U.S. Supreme Court about his case. He argued that the 6th Amendment to the U.S. Constitution guaranteed him the right to a lawyer. The 6th Amendment says that "in all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense." The Supreme Court had already said that in federal courts, this meant people accused of a crime must be given a lawyer even if they can't afford one. Gideon argued the same thing should be true in state courts.

## The Decision

The Supreme Court agreed. The Constitution is a federal document, which means that legally, the rights it contains only protect people when dealing with the federal government. The Court had already ruled that states do not need to give people those same rights unless the right is fundamental to a fair trial.

The Court now said the right to a lawyer is a fundamental right. A person cannot be assured of a fair trial without one. The Court wrote, "Even the intelligent and educated layman . . . lacks both the skill and knowledge adequately to prepare his defense," even if that person's defense would prove he or she is not guilty. People accused of a crime need a lawyer because they don't understand all the rules and procedures that take place during a trial.



Gideon's handwritten petition to the Supreme Court



States now have state-funded public defender offices

## So What?

When the Supreme Court sent Gideon's case back to the lower court, Gideon received a lawyer and a new jury trial. This time, the lawyer presented evidence that proved Gideon was not guilty.

Because of this case, states must now provide a lawyer to criminal defendants who cannot afford one. **Public defenders** are lawyers employed by the state to represent these criminal defendants. Public defenders work to make sure people accused of a crime get a fair trial. Criminal defendants have certain rights under the Constitution, and public defenders make sure those rights are protected.

Reading

# Gideon v. Wainwright (1963) Name: \_\_\_\_\_

**But Doesn't the Constitution Say...?** In 1833, the Supreme Court said the rights listed in the Bill of Rights in the Constitution only applied at the national (federal) level—not at the state level. One by one, over time, the Court has decided that certain rights do apply at the state level. Match the following rights with the cases that applied them to the state level:

☐ 1st Amendment  
Freedom of the Press

☐ 1st Amendment  
Freedom of Speech

☐ 2nd Amendment  
Right to Bear Arms

☐ 4th Amendment  
Right Against Unreasonable  
Search & Seizure

☐ 5th Amendment  
Right Not to be Tried  
Twice for the Same Crime  
(Double Jeopardy)

☐ 6th Amendment  
Right to a Speedy Trial

☐ 6th Amendment  
Right to a Public Trial

A) **Near v. Minnesota** (1931)

Minnesota passed a law saying scandalous newspapers could be shut down. J.M. Near published a paper that was shut down for running stories about police corruption.

B) **In re Oliver** (1948)

A Michigan judge investigated a crime by calling in witnesses to testify in secret. Oliver testified, but the judge didn't believe him. Still acting in secret, the judge punished Oliver by sentencing him to 60 days in jail.

C) **McDonald v. Chicago** (2010)

The City of Chicago passed a law banning all handguns. McDonald and others could no longer keep handguns in their homes.

D) **Klopper v. North Carolina** (1967)

Mr. Klopfer was charged with criminal trespass. After a mistrial, his case was put on hold indefinitely, but could be reopened at any time.

E) **Benton v. Maryland** (1969)

At trial, John Benton was found guilty of burglary but innocent of larceny. But the jurors had been chosen unconstitutionally, so he was offered a second trial. He was again charged with both burglary and larceny.

F) **Mapp v. Ohio** (1961)

Police forced their way into Dollree Mapp's house looking for a fugitive. They didn't find the fugitive, but they did find a box of inappropriate books and photos. They took it and used it to convict Mapp of possessing obscene material.

G) **Gitlow v. New York** (1925)

Benjamin Gitlow had been convicted of a crime in New York for distributing pamphlets about his extreme political beliefs.

**Now add Gideon's case:**

\_\_\_\_\_ Amendment

Right to \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ v. \_\_\_\_\_ (\_\_\_\_\_)

Clarence Gideon \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Gideon v. Wainwright (1963)

**\*\* TEACHER'S GUIDE \*\***

**But Doesn't the Constitution Say...?** In 1833, the Supreme Court said the rights listed in the Bill of Rights in the Constitution only applied at the national (federal) level—not at the state level. One by one, over time, the Court has decided that certain rights do apply at the state level. Match the following rights with the cases that applied them to the state level:

**A** 1st Amendment  
Freedom of the Press

**G** 1st Amendment  
Freedom of Speech

**C** 2nd Amendment  
Right to Bear Arms

**F** 4th Amendment  
Right Against Unreasonable  
Search & Seizure

**E** 5th Amendment  
Right Not to be Tried  
Twice for the Same Crime  
(Double Jeopardy)

**D** 6th Amendment  
Right to a Speedy Trial

**B** 6th Amendment  
Right to a Public Trial

A) **Near v. Minnesota** (1931)

Minnesota passed a law saying scandalous newspapers could be shut down. J.M. Near published a paper that was shut down for running stories about police corruption.

B) **In re Oliver** (1948)

A Michigan judge investigated a crime by calling in witnesses to testify in secret. Oliver testified, but the judge didn't believe him. Still acting in secret, the judge punished Oliver by sentencing him to 60 days in jail.

C) **McDonald v. Chicago** (2010)

The City of Chicago passed a law banning all handguns. McDonald and others could no longer keep handguns in their homes.

D) **Klopper v. North Carolina** (1967)

Mr. Klopfer was charged with criminal trespass. After a mistrial, his case was put on hold indefinitely, but could be reopened at any time.

E) **Benton v. Maryland** (1969)

At trial, John Benton was found guilty of burglary but innocent of larceny. But the jurors had been chosen unconstitutionally, so he was offered a second trial. He was again charged with both burglary and larceny.

F) **Mapp v. Ohio** (1961)

Police forced their way into Dollree Mapp's house looking for a fugitive. They didn't find the fugitive, but they did find a box of inappropriate books and photos. They took it and used it to convict Mapp of possessing obscene material.

G) **Gitlow v. New York** (1925)

Benjamin Gitlow had been convicted of a crime in New York for distributing pamphlets about his extreme political beliefs.

**Now add Gideon's case:**

6th Amendment

Right to an Attorney  
(Right to Counsel)

Gideon v. Wainwright ( 1963 )

Clarence Gideon was arrested for stealing, and he could not afford  
a lawyer. The state court refused to appoint one for him. Gideon  
represented himself in court but lost his case and went to jail.