

Landmark Supreme Court Cases and the Constitution: *Gideon v. Wainwright* (1963)



At the time the Constitution was adopted, British courts denied lawyers to individuals charged with treason or felonies. People accused of criminal misdemeanors, however, were provided lawyers. The American colonies (and, later, the states) rejected this practice. Most of the original thirteen states allowed defendants in all cases to have lawyers. The Sixth Amendment, ratified in 1791, states, “In all criminal prosecutions, the accused shall enjoy the right to...have the Assistance of Counsel for his defence.” Through the years, the Supreme Court has heard several cases about whether poor criminal defendants had a right to a lawyer at public expense, or whether the Sixth Amendment meant that the government could not stop accused persons from hiring one.

In 1961, Clarence Earl Gideon was arrested in Florida for breaking into a Panama City pool hall with the intent to steal money from the vending machines. This was a felony. When Gideon appeared in court, his request for a court-appointed lawyer was denied. Florida law only provided lawyers for defendants charged with capital offenses. Gideon had no choice but to defend himself at his trial. He was found guilty, and sentenced to five years in prison.

While in prison, Gideon made frequent use of the prison library. With the knowledge he gained there, along with the help of a fellow inmate with a legal background, he submitted a hand-written petition to the Supreme Court. In his petition, he challenged the constitutionality of his conviction, as he had not been able to have the assistance of counsel for his defense.

The Supreme Court agreed with Gideon that he had not been given a fair trial, and overturned his conviction. The Court’s vote was unanimous. The Court reasoned that the right to counsel was “fundamental.” The Court continued, “in our...system of justice, any person...too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth....[L]awyers in criminal courts are necessities, not luxuries.

Discussion Questions

1. How does the Sixth Amendment protect accused person's right to counsel?
 2. What happened when Clarence Gideon requested an attorney to assist with his defense against charges of breaking into a Florida pool hall?
 3. Why did Gideon challenge his conviction?
 4. How did the Supreme Court rule? Do you agree with the ruling? Why or why not?
 5. What, if anything, does the Court's ruling in Gideon reveal about the American commitment to justice and the rule of law?
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