

Gideon v. Wainwright (1963)

Argued: January 15, 1963

Decided: March 16, 1963

Background and Facts

The Sixth Amendment to the U.S. Constitution protects the rights of people accused of crimes (called defendants). Among these protections is the defendant's right to have a lawyer. That means that the government cannot stop someone from consulting with a lawyer and having a lawyer represent them in court.

However, not everyone who has been accused of a crime can afford to hire a lawyer. In 1938, the Supreme Court ruled that the government must pay for a lawyer for defendants in **federal criminal cases** who cannot afford one themselves. *Gideon v. Wainwright* is a case about whether or not that right must also apply to defendants charged with crimes in state courts.

The 14th Amendment says that states shall not "deprive any person of life, liberty, or property, without due process of law." This means that all U.S. citizens have the right to fair **legal proceedings** within the justice system.

In 1932, the case *Powell v. Alabama* was decided by the U.S. Supreme Court. In that case, nine teenagers were accused of assaulting two women. All nine were tried on one day within a week after being **indicted**. They were found guilty in Alabama state court and sentenced to death. No lawyer represented the teens. The Supreme Court ruled that accused persons in a **capital case** have the right to a lawyer for their defense. This includes the right to have enough time to consult with the lawyer and to prepare a defense. The Court said that this is one of the **fundamental** rights that must be applied to the states under the 14th Amendment. The Court also said that state courts must appoint **counsel**, whether requested or not, when the defendant is not able to make an adequate defense because of "ignorance, feeble-mindedness, illiteracy or the like."

In 1942, in case similar to *Gideon v. Wainwright*, *Betts v. Brady* came before the U.S. Supreme Court. In this case, Smith Betts was charged with robbery in Maryland. He requested that a lawyer be appointed for him since he was unable to afford one. The judge in the case denied the request. Betts argued his own defense and was convicted. The Supreme Court ruled that the 14th Amendment did **not** require states to provide counsel to the poor in non-death-penalty cases.

In 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, Florida. Police arrested Clarence Earl Gideon after he was found nearby with a pint of wine and some change in his pockets. Gideon could not afford a lawyer. He asked the Florida court to appoint one for him. He argued that the Sixth Amendment gives everyone the right to a lawyer. The judge denied his request. Florida state law required lawyers for defendants only in death penalty cases.

Gideon defended himself at trial and did not do well. He was found guilty of breaking and entering and **petty larceny**. Petty larceny is a **felony** under Florida law. While serving his five-year sentence in a Florida state prison, Gideon began studying law. His study confirmed his belief that his rights were violated when the Florida Circuit Court refused his request for a court appointed lawyer.

Gideon filed a **habeas corpus petition**. He argued that he was wrongfully imprisoned because he had been refused the **right to counsel** during his trial. This meant that he was not granted his constitutional rights guaranteed by the Sixth Amendment. The Florida Supreme Court ruled against him. From his prison cell, Gideon wrote a petition to the U.S. Supreme Court, asking the Court to hear his case. In 1963, the Supreme Court agreed to hear Gideon's case and decide if, in criminal cases, the right to counsel paid for by the government was a fundamental right.

Issue

Does the Sixth Amendment's right to counsel in criminal cases extend to defendants in state courts, even in cases in which the death penalty is not at issue?

Arguments for Gideon (petitioner)

- Fair trials cannot be guaranteed unless everyone has the assistance of a lawyer. The average person does not have the knowledge, resources, and skill required to provide an adequate legal defense for themselves.
- The Supreme Court has ruled that the right to counsel in death penalty cases is fundamental and applies to the states (*Powell v. Alabama*), but not in non-death-penalty cases (*Betts v. Brady*). This is not logical, and *Betts v. Brady* should be **overturned**. The Sixth Amendment and the 14th Amendment do not state the differences between types of criminal cases that apply. Even non-capital crimes (crimes which cannot result in the death penalty) can result in long prison sentences, which is denying someone their liberty. There is no "**trivial**" criminal case because a person's liberty is at stake.
- There was a change in thinking about the right to counsel between 1942, when *Betts v. Brady* was decided, and 1963, when *Gideon* was in front of the Court. At the time of the *Betts v. Brady* decision, fewer than half of the states required appointment of counsel to the poor. At the time of Gideon's arrest, over 45 states required it.
- There is widespread support to overturn *Betts v. Brady*. Twenty-two states filed **amicus curiae briefs** to support the use of the Sixth Amendment right to counsel in state courts, regardless of the type of crime.

Arguments for Wainwright (respondent)

- *Betts v. Brady* established that in any criminal case, a defendant has a right to counsel if they can prove that they would be denied a fair trial without counsel. Gideon did not try to prove this.

- The United States has a system in which the federal government may not use **arbitrary** power over the states. A state should be free to adopt any systems, rules, or procedures it feels are necessary in its own courts.
- It is possible for a defendant without a lawyer to have a fair trial. Several judges may be involved in the process of trying a defendant in a case. This exposure to multiple judges protects the defendant who is without a lawyer. This is because each judge knows the law and will make sure that the defendant is treated fairly. In any case, having a lawyer does not automatically guarantee a fair trial.
- The Supreme Court should apply the decision from *Betts v. Brady*, which was decided only 21 years before *Gideon*. The Court already decided this issue and gave a ruling that should not be changed so quickly.
- If *Betts v. Brady* is overturned, states would have to provide lawyers to the poor in all criminal cases, no matter how small or trivial they are. This would be expensive and place a huge burden on the taxpayers of every state.

Decision

The Supreme Court ruled unanimously for Gideon. Justice Black wrote the opinion of the Court. Justices Harlan and Clark wrote **concurring opinions**.

The Supreme Court overturned part of *Betts v. Brady*. The Court in *Gideon* said that the right to counsel in felony criminal cases is a fundamental right. This meant that the protection from the Sixth Amendment applied to state courts as well as federal courts. State courts must appoint counsel to represent defendants who cannot afford to pay for their own lawyers if charged with a felony.

The Court said that the best proof that the right to counsel is fundamental is that governments spend a lot of money to try to convict defendants. The defendants who can afford to hire a lawyer almost always hire the best lawyer they can get. This shows that both the government and defendants consider the aid of a lawyer in criminal cases absolutely necessary. In addition, the opinion noted that the Constitution emphasized the right to fair trial for defendants.

Impact

The Court's *Gideon* decision is rightfully regarded as one of the most significant of the cases decided by the Warren Court. The right to have a free lawyer provided by the government has even become part of the Miranda warnings given to those arrested by the police. At the time, the Gideon decision only applied to criminal defendants charged with felonies. In 1972, the Court decided the case of *Argersinger v. Hamlin*, which extended the *Gideon* rule so that poor defendants charged with **misdemeanors** could not be imprisoned unless they had received free legal counsel.

Even though *Gideon* led to the creation of public defender offices and government-provided lawyers nationwide, it has had practical limitations. Adequate resources are always a problem, and courts and

policymakers have struggled with how effective or experienced the free counsel needs to be. Today, more than 50 years later, it is fair to say *Gideon* stands as a significant landmark in securing the ideal of fair justice for all, even though its promise is still somewhat unfulfilled.

Glossary

- **Arbitrary:** random; inconsistent.
- ***Amicus curiae* briefs:** *amicus curiae* means “friend of the court”—someone who helps the court by giving information or advice but who is not part of the case. The brief they file is a report with all of that information or advice.
- **Capital case:** a case where the death penalty is a possible punishment.
- **Concurring opinion:** written explanation of a decision when a justice agrees with the result of a case, but for a different reason than the majority.
- **Counsel:** a lawyer.
- **Federal criminal case:** a case in which the defendant is being accused and tried for breaking a United States federal law (as opposed to a state law).
- **Felony:** a serious criminal offense punishable by a prison sentence of more than one year.
- **Fundamental:** necessary; basic; foundational.
- ***Habeas corpus* petition:** a rule requiring a person under arrest to be brought into court so the government can show that they were arrested lawfully.
- **Indicted:** to be formally charged with a crime
- **Legal proceedings:** action taken to settle a case in court including hearings, motions, and trials.
- **Misdemeanors:** a minor crime usually punishable by a fine less than \$1,000 or sentence of less than a year in jail.
- **Overturned:** reversed; canceled; overruled.
- **Petty larceny:** theft that is worth less than a legally specified amount.
- **Right to counsel:** the right of a criminal defendant to have a lawyer help in their defense, even if they cannot afford a lawyer.
- **Trivial:** unimportant, of little value.

Additional information about *Gideon v. Wainwright*, including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at <https://www.landmarkcases.org/>.