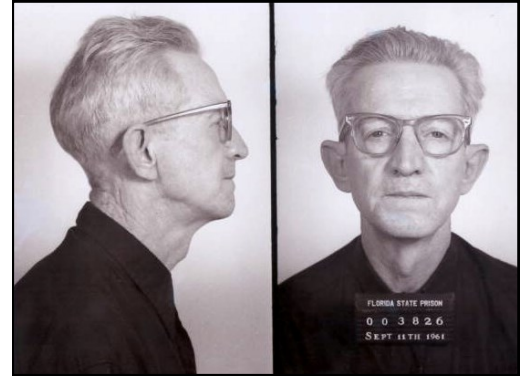


Gideon v. Wainwright (1963) Name: _____

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.

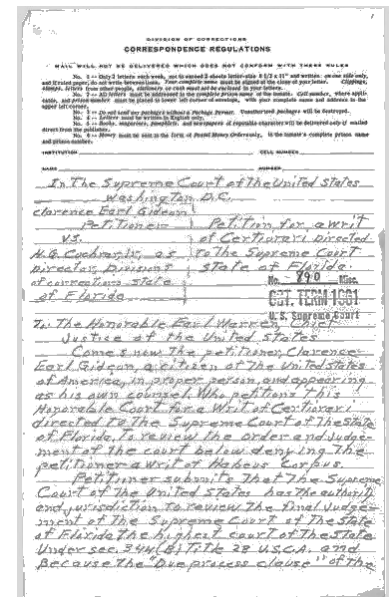
The Argument

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

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.



States now have state-funded public defender offices