

## *GIDEON v. WAINWRIGHT*

The Bay Harbor Poolroom in Panama City, Florida, closed down at midnight. The proprietor locked all the doors and windows — carefully, for the neighborhood was a hangout for vagrants, drunks, and petty gamblers. Sometime after dawn, a policeman on a routine patrol discovered that a window of the poolroom had been smashed. Inside, the jukebox and cigarette machine had been broken into, and some beer and wine were missing.

Shortly afterwards, on a tip from a bystander who had “stayed out all night,” police arrested Clarence Earl Gideon. Gideon, who lived in a hotel across the street from the poolroom, was the portrait of a loser: age 51, four times a convict, three times married, drifter, gambler — prematurely white-haired, with a frail, tuberculosis-wracked body. Yet the loser refused, this time, to lose. From the outset, Clarence Gideon steadfastly protested his innocence of the charge of “breaking and entering.” And thus, from these seedy origins, began one of the most celebrated cases in the annals of the Supreme Court.

At his trial, Gideon asked to have the Florida court provide him a lawyer free because he did not have enough money to hire his own. To this the judge replied: “Mr. Gideon, I am sorry, but I cannot appoint counsel to represent you in this case. Under the laws of the State of Florida, the only time the court can appoint counsel to represent a defendant is when that person is charged with a capital offense.” The charge against Gideon, “breaking and entering with the intent to commit a misdemeanor,” was not a capital crime — that is, one punishable by death. Gideon protested, “The United States Supreme Court says I am entitled to be represented by counsel.” But his request was denied by the Florida court.

Without a lawyer to represent him and untrained in the law himself, Gideon conducted his own defense about as well as could be expected for a layman. But he was ineffective. He cross-examined the state’s main witness, the tipster who said he had seen Gideon inside the poolroom at 5:30 on the morning it was broken into. But Gideon failed to question the tipster thoroughly about what he himself was doing outside the poolroom at that early hour. Nor did he question the man about his reputation, his occupation, or his recent run-in with Gideon. All of these points would have been explored by a skilled attorney. After cross-examining the other witness for the prosecution, the owner of the poolroom, Gideon presented eight witnesses of his own. But his questioning of these witnesses was so rambling that it produced nothing decisively helpful to his defense. In his final argument to the jury, Gideon simply stressed his innocence.

The jury found Clarence Earl Gideon guilty. The judge sentenced him to five years in state prison. Gideon asked the Supreme Court of Florida for a writ of habeas corpus. But the writ was denied.

While in prison, Gideon prepared and submitted a five-page “pauper’s petition” asking the U. S. Supreme Court to review his case. Gideon said his conviction violated the Due Process Clause of the Fourteenth Amendment. To try a poor man for a felony (crime punishable by imprisonment of one year or more) without providing him with a lawyer, said Gideon, was to deprive him of “due process of law.”

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### **Court Decision**

Reversed.

According to the court, the Constitution demands that a person accused of a serious crime should have a lawyer even if he/she cannot afford to pay for it himself/herself. The Court felt that an individual cannot be assured a fair trial unless he/she has an attorney.

The court expressed the following opinion:

Governments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare their defenses. The government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.