



Gideon v. Wainwright

Annotation Station

For the primary source evidence, use these guided reading practices.

○ Circle words you don't know, and take a moment to find the definition.

Highlight in **YELLOW** phrases that confuse you. Use context clues to figure out their meaning.

Highlight in **RED** examples of the dangers or restrictions faced by the individual.

Highlight in **GREEN** examples of rights and freedoms enjoyed by the individual.

☆ Star the items that make you wonder and wish to explore further.

Background

In 1961, Clarence Earl Gideon was accused of a crime and went to trial. Mr. Gideon could not afford to hire a lawyer so he was forced to represent himself in court. He was unsuccessful in trial, leading to his conviction and sentence of five years in prison. While in prison, Gideon studied the Constitution and believed his rights had been violated.

Mr. Gideon ultimately petitioned the U.S. Supreme Court to hear his case. He argued that he should have been appointed a lawyer by the court because he could not afford one. The Supreme Court took up his case and in a 9-0 decision, ruled in Gideon's favor. The majority opinion declared that all defendants have the right to a lawyer regardless of their economic standing.

Evidence 1

The Sixth Amendment to the U.S. Constitution

In all criminal prosecutions, the accused shall enjoy the right to . . . have the Assistance of Counsel for his defence.

The Sixth Amendment outlines specific rights of persons accused of a crime.

Source: *The U.S. Constitution*



Evidence 2

Supreme Court Majority Opinion

The Sixth Amendment provides, ‘In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.’ We have construed this to mean that in federal courts counsel must be provided for defendants unable to employ counsel unless the right is competently and intelligently waived. . . .

[R]eason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is 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. 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 and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the wide-spread 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. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. . . .

The majority opinion for the 1963 court case, *Gideon v. Wainwright*, was written by Justice Hugo Black.

Source:

<https://tile.loc.gov/storage-services/service/ll/usrep/usrep372/usrep372335/usrep372335.pdf>



Evidence 3

“Clarence Earl Gideon Writ of Habeas Corpus”

To: The Honorable Earl Warren, Chief Justice of the United States

Comes now the petitioner, Clarence Earl Gideon, a citizen of the United States of America, in proper person, and appearing as his own counsel. Who petitions this Honorable Court for a Writ of Certiorari directed to the Supreme Court of the State of Florida. To review the order and Judgement of the court below denying the petitioner a Writ of Habeas Corpus.

Petitioner submits that the Supreme Court of the United States has the authority and jurisdiction to review the final judgement of the Supreme Court of the State of Florida the highest court of the State. Under sec. 344 (B) Title 28 U.S.C.A. and Because the “Due process clause” of the federal question of substance, in a way not in accord with the applicable decisions of this Honorable Court. When at the time of the petitioners trial, He ask the lower court for the aid of counsel, the court refused this aid Petitioner told the court that this court had made decision to the effect that all citizens tried for a felony crime should have aid of counsel. The lower court ignored this plea.

Petitioner alleges that prior to petitioners convictions and sentence for Breaking and Entering with the intent to commit petty larceny, he had requested aid of counsel, that, at the time of his conviction and sentence, petitioner was without aid of counsel. That the Court refused and did not appoint counsel, and that he was incapable adequately of making his own defense. In consequence of which he was made to stand trial. Made a Prima Facia showing of denial of due process of law. (U.S.C.A. Const Amend. 14) William V. Kaiser V. State of Missouri 65 ct. 363 [underlined] Counsel must be assigned to the accused if he is unable to employ one, and is incapable adequately of making his own defense Tomkins vs State Missouri 675 ct 370

On the 3rd June 1961 A.D. your Petitioner was arrested for foresaid crime and convicted for same, Petitioner receive Trial and sentence without aid of counsel, your petitioner was deprived ‘Due process of law’

Petitioner, was deprived of due process of law in the court below. Evidence in the lower court did not show that a crime of Breaking and Entering with the intent to commit Petty Larceny had been committed. Your petitioner was compelled to make his own defense, he was incapable adequately of making his own defense Petitioner did not plead nol contender But that is what his trial amounted to.

**DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS**

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cards must not be enclosed in your letters.

No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION _____ CELL NUMBER _____

NAME _____ NUMBER _____

In The Supreme Court of The United States
Washington D.C.

Clarence Earl Gideon
Petitioner

vs. U.S. Cochran, as
Director, Division
of Corrections State
of Florida

Petitioner for a writ
of Certiorari directed
to The Supreme Court
State of Florida.

No. 890 Misc.
OCT. TERM 1961
U. S. Supreme Court

To: The Honorable Earl Warren, Chief
Justice of the United States

Comes now The petitioner, Clarence
Earl Gideon, a citizen of The United States
of America, in proper person, and appearing
as his own counsel. Who petitions this
Honorable Court for a Writ of Certiorari
directed to The Supreme Court of The State
of Florida, to review the order and Judgement
of the court below denying The
petitioner a writ of Habeas Corpus.

Petitioner submits that The Supreme
Court of The United States has the authority
and jurisdiction to review The final Judgement
of The Supreme Court of The State
of Florida The highest court of The State
Under sec. 344(B) Title 28 U.S.C.A. and
Because The "Due process clause" of the

Image source:

National Archives, Petition for a Writ of Certiorari from Clarence Gideon to the Supreme Court of the United States, <https://catalog.archives.gov/id/597554>.

