

# 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 had to go to court. He couldn't afford a lawyer, so he had to defend himself. He lost the trial and got sent to prison for five years. While he was in prison, he read the Constitution and thought his rights had been ignored.

Gideon asked the U.S. Supreme Court to look at his case. He said that he should have been given a lawyer even if he couldn't pay for one. The Supreme Court agreed to hear his case, and all nine judges decided Gideon was right. They said that everyone who's accused of a crime should have a lawyer, no matter whether they're rich or poor.

## 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 says that in any criminal case, the person accused has the right to have a lawyer help them. We've understood this to mean that in federal courts, if someone can't afford a lawyer, one must be provided for them, unless they choose not to have one.

When we think about how our system of justice works, it's clear that someone who can't afford a lawyer might not get a fair trial without one. It's just common sense. Both state and federal governments spend a lot of money to make sure trials are fair. They hire lawyers to prosecute cases because it's important to uphold the law and keep society safe. And most people who are accused of a crime try to hire the best lawyers they can to help defend themselves. This shows that having a lawyer in court is really important, not just a luxury.

In some countries, having a lawyer might not be seen as necessary for a fair trial, but in our country, it's a fundamental part of how our justice system works. Since the beginning, our laws have put a lot of emphasis on making sure trials are fair and that everyone gets treated equally. But this idea of fairness can't happen if someone who can't afford a lawyer has to go to trial without one.

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

Source:

[Gideon v. Wainwright, 372 U.S. 335 \(1963\).](#)

## Evidence 3

### “Clarence Earl Gideon Writ of Habeas Corpus”

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

Clarence Earl Gideon, who is a citizen of the United States, is here to ask this court for help. He's representing himself because he can't afford a lawyer. He wants the court to look at the decision made by the Supreme Court of Florida. They said no to his request for a Writ of Habeas Corpus.

Gideon thinks the U.S. Supreme Court can review what the Florida court decided because it's the highest court in the state. He says this is important because the Florida court didn't follow the rules of fairness, which are called “due process,” as the U.S. Constitution says.

During his trial, Gideon asked for a lawyer, but the court said no. He reminded them that this court had already decided that everyone accused of a serious crime should have a lawyer, but the court ignored him.

Gideon says that before he was convicted of breaking and entering to steal, he asked for a lawyer, but he didn't get one. He says he couldn't defend himself properly without a lawyer's help. This means he didn't get a fair trial. He points to other cases where the courts said that people who can't afford a lawyer should have one appointed for them.

On June 3, 1961, Gideon was arrested for the crime, and during the trial, he didn't have a lawyer to help him. He says this wasn't fair and that it goes against the “due process of law.”

In short, Gideon says he was treated unfairly in the Florida court. He didn't have a lawyer to help him, and he couldn't defend himself properly. He's asking this court to look at his case and make things right.

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 cash 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 \_\_\_\_\_

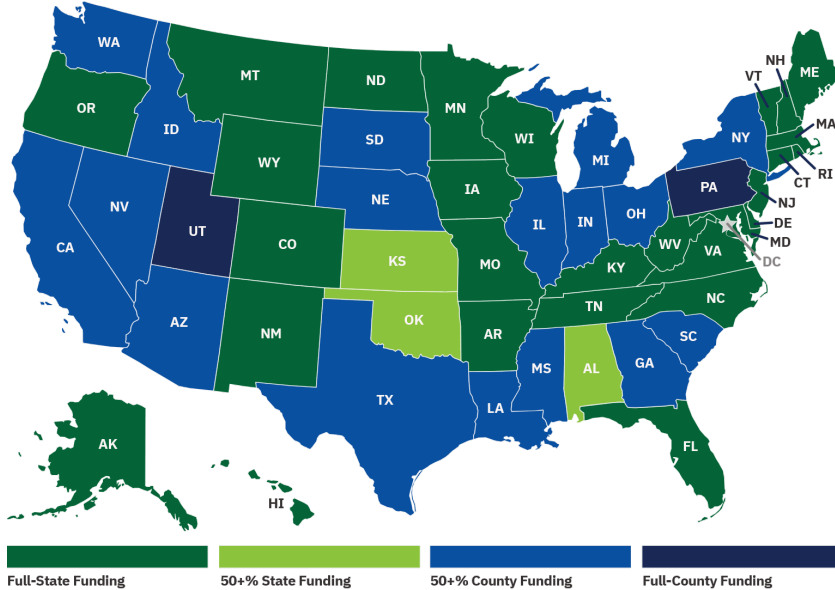
In The Supreme Court of The United States  
Washington D.C.  
Clarence Earl Gideon  
Petitioner vs. Petition for a writ  
of Certiorari directed  
to The Supreme Court  
of the State of Florida  
U.S. Supreme Court  
No. 790 Misc.  
COT. TERM 1961  
U. S. Supreme Court  
To: The Honorable Earl Warren, 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 judg-  
ment 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 judg-  
ment 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:

<https://s3.documentcloud.org/document/s/21092519/clarence-earl-gideon-petition-for-writ-of-certiorari-in-united-states-supreme-court-1962.pdf>

## Evidence 4

### State Funding for Indigent Defendants



This chart shows indigent defense funding.

**Data source:**

“State Indigent Defense Commissions,”  
The Spangenberg Group, December  
2006.

## Questions

Check for understanding:

**Background:** What was the main constitutional question for this case?

**Evidence 1:** What rights does the Sixth Amendment protect?

**Evidence 2:** What was the majority opinion in the case? What evidence does Justice Hugo Black use to support the majority opinion?

**Evidence 3:** Based on the Petition for a Writ, what can you assume about the exclusionary rule in federal cases?

**Evidence 4:** What general conclusion can be taken from the maps?

Group discussion:

1. Did the Sixth Amendment change after the *Gideon v. Wainwright* decision?
2. Is the current language in the Sixth Amendment sufficient enough to protect our rights?
3. Explain your reasoning using the evidence provided.