

# Gideon v. Wainwright (1963)

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## BACKGROUND

One of the major trends in the Supreme Court decisions of the 1960's was the steady application to state courts, under the Fourteenth Amendment's Due Process Clause, of federal "fair trial" rights guaranteed by the Bill of Rights. *Gideon v. Wainwright* (1963) was among the first of these decisions.

Clarence Gideon was a Florida man charged breaking into a pool hall and stealing coins from a vending machine. Under Florida law, this crime was considered a felony. At his hearing, Gideon asked the court to appoint a lawyer to defend him, since he could not afford to hire one himself. The judge refused, citing a Florida law which allowed court-appointed counsel only in capital-offense cases. Gideon went to trial and defended himself as best he could. But, he was convicted and sentenced to five years in prison. He then petitioned the Supreme Court to rule on whether his constitutional right to counsel had been violated.

The Court's decision was to reverse Gideon's conviction and allowed him to be retried, this time with a court-appointed lawyer. Before the same judge, he was found innocent of the charges.

## CENTRAL ISSUE

"... Since 1942, when *Betts v. Brady* was decided by a divided Court, the problem of a defendant's federal constitutional right to counsel in a state court has been a continuing source of controversy and litigation in both state and federal courts. . . . Since Gideon was proceeding in *forma pauperis*, we appointed counsel to represent him and requested both sides to discuss in their briefs and oral arguments the following: 'Should this Court's holding in *Betts v. Brady* be reconsidered?'"

## DECISION

### I.

"The facts upon which *Betts* claimed that he had been unconstitutionally denied the right

to have counsel appointed to assist him are strikingly like the facts upon which Gideon here bases his federal constitutional claim. *Betts* was indicted for robbery in a Maryland state court. On arraignment, he told the trial judge of his lack of funds to hire a lawyer and asked the court to appoint one for him. *Betts* was advised that it was not the practice in that county to appoint counsel for indigent defendants except in murder and rape cases. . . . Like Gideon, *Betts* sought release by *habeas corpus*, alleging that he had been denied the right to assistance of counsel in violation of the Fourteenth Amendment. *Betts* was denied any relief, and on review this Court affirmed. . . .

Treating due process as 'a concept less rigid and more fluid than those envisaged in other specific and particular provisions of the Bill of Rights,' the Court held that refusal to appoint counsel under the particular facts and circumstances in the *Betts* case was not so 'offensive to the common and fundamental ideas of fairness' as to amount to a denial of due process. Since the facts and circumstances of the two cases are so nearly indistinguishable, we think the *Betts v. Brady* holding, if left standing, would require us to reject Gideon's claim that the Constitution guarantees him the assistance of counsel. Upon full reconsideration we conclude that *Betts v. Brady* should be overruled.

### II.

The Sixth Amendment provides, 'In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense.' 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. *Betts* argued that this right is extended to indigent defendants in state courts by the Fourteenth Amendment. . . .

We think the Court in *Betts* had ample precedent for acknowledging that those guarantees of the Bill of Rights which are fundamental safeguards of liberty immune from federal abridgment are equally protected

against state invasion by the Due Process Clause of the Fourteenth Amendment. . . .

. . . The fact is that in deciding as it did—that ‘appointment of counsel is not a fundamental right, essential to a fair trial’—the Court in *Betts v. Brady* made an abrupt break with its own well-considered precedents. . . . Not only these precedents but also reason 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 widespread belief that lawyers in criminal courts are necessities, not luxuries. . . . 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. . . .”

## QUESTIONS:

1. Why might an average citizen be at a disadvantage defending himself or herself in court?

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2. Why do you think state laws prior to *Gideon* allowed court-appointed counsel only in capital-offense cases?

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