

GIDEON v. WAINWRIGHT

Clarence Gideon was arrested and charged with breaking and entering a pool hall—a felony under Florida law. Too poor to afford a lawyer, he requested that the trial judge appoint one. When the judge refused, Gideon conducted his own defense. Found guilty, he appealed to the United States Supreme Court, arguing that his rights under the Sixth and Fourteenth Amendments had been violated.

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. . . .

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. . . . Upon full reconsideration we conclude that *Betts v. Brady* should be overruled. . . .

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. In returning to these old precedents. . . we but restore constitutional principles established to achieve a fair system of justice. 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 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 . . . 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. The right of one charged with crime to counsel may not be deemed fundamental and essential in some countries, but it is in ours.

— JUSTICE HUGO BLACK

Examining the Document

Reviewing the Facts

1. Explain what the Court decided to do about the *Betts v. Brady* decision.
2. Describe what proof Justice Black offered that lawyers are necessities, not luxuries, in court.

Critical Thinking Skills

3. Making Inferences Why does our “adversary system of criminal justice” require counsel?