



Gideon v. Wainwright, 372 U.S. 335 (1963)

"The right of one charged with crime to counsel may not be deemed fundamental in some countries. But it is in ours."

SENATE FINANCE AND CLAIMS

COMMIT NO. 7

DATE 3-8-05

REF NO. SB146

DEPARTMENT OF CORRECTIONS
CORRESPONDENCE REGULATIONS

APR 21 1961
OFFICE OF THE DEPT. SHERIFF CORP. I.C.

MAIL WILL NOT BE RECEIVED UNTIL 8:00 AM NOT CORRESPOND WITH THESE RULES

No. 1 - Only 2 letters each week, and to attend 2 clerks later than 1:30 PM and receive on the next day. All other letters, to be sent by return mail. Your complete name must be shown on the front of each letter. Clipping, stamps, letters from other people, currency or other money not to be enclosed in your letters.

No. 2 - All letters must be addressed to the warden by first name of the inmate. Cell number, street address, and phone number must be placed on back of envelope of each letter. Your complete name and address in the upper left corner.

No. 3 - Do not send any pictures without a Justice Permit. Unpermitted pictures will be destroyed.

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

No. 5 - Abuse, obscenity, profanity, and statements of defamatory character will be destroyed and will be mailed direct from the institution.

No. 6 - Letters must be sent to the State of Florida Prison, in the warden's complete prison name and prison number.

REPLY TO: _____ CELL NUMBER: _____

NAME: _____ ADDRESS: _____

*In The Supreme Court of the United States
October Term, 1961
No. 710 Misc.
Clarence Earl Gideon, pet.itioner
- vs -
W.G. Coughlin, Director, Division of
Corrections, State of Florida respondent.*

"Legal representation is essential to a fair trial."

Panama City, Florida, 1961. Panama City, Florida, 1961. Police arrest a drifter, Clarence Gideon, for breaking and entering. Clarence cannot afford a lawyer, so he asks the court to appoint one for him. The judge says the state doesn't have to pay a poor person's legal defense, except for a capital crime.

So Clarence has to represent himself. He's convicted.

From his prison cell, he submits a petition for his freedom, written in pencil, to the United States Supreme Court.

The Court grants Gideon a new trial, and appoints famous Washington attorney Abe Fortas (and future Supreme Court justice) to represent him. "In our adversary system of criminal justice," writes Justice Hugo Black, "any person hauled 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.... Lawyers in criminal courts are necessities, not luxuries... Legal representation is essential to a fair trial. The right of one charged with crime to counsel may not be deemed fundamental in some countries. But it is in ours."



A jury acquits Gideon and sets him free.

For more...

Constitution Center: Clarence Gideon's Road to the Supreme Court

FindLaw
FindLaw® full text of decision.

Oyez Case Summary
Real Audio
Northwestern
Oyez® audio of arguments.

AMENDMENT 6 The Right to Counsel

Passed by Congress September 25, 1789. Ratified December 15, 1791.



In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence. [^].

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