

Gideon v. Wainwright

Introduction

Clarence Gideon Monologue (884 Words)

Female Newspaper Reader Monologue (149 Words)

[Clarence Gideon walks into the courtroom, spills a pile of coins on a counsel table, and puts down an empty wine bottle. He says:]

There were times in prison when I felt like my life wasn't worth the pile of change or the bottle of hooch I was accused of stealing. But every man has a right to his dignity and due process of law.

I was deprived of both when I had to go it alone in court to defend myself against a felony charge with a five-year prison sentence. I couldn't pay a lawyer, and when I asked the judge for one, he said Florida law wouldn't allow it.

Today -- because of me -- if somebody like you is accused of a crime and you can't afford a lawyer, you have the right to a free attorney appointed by the court. They're called a public defender. You don't have to figure it out for yourself, like I did. That didn't turn out so good for me.

I'm Clarence Earl Gideon.

I was born in Hannibal, Missouri, same as Tom Sawyer, but I didn't have a Tom Sawyer childhood, I'll tell ya. My Dad died when I was three. My Mom married a guy and I couldn't stand him. He made me the family scapegoat, so I quit school after eighth grade and ran away from home.

I took on the life of a hobo and tramp. My first run in with the law was when my Mom had me put in jail for running away. The next day, I escaped into the country. It was extremely cold, so I stole some clothes from a general store. The store owner caught me with all the clothes on and that was the beginning of my career in the justice system.

Today, they would say I was a "homeless, at-risk youth" -- and there'd be "interventions" and diversion programs. But, in those days, I was what they called a "juvenile delinquent" and a "drifter."

Instead of high school, they sent me to “reform school” on a burglary charge. And when I was 18, I graduated to the Big House for robbery, burglary, and larceny. Over the years, I spent time in the prison systems in Kansas; Missouri; Texas; and, finally, Florida – all on charges related to stealing stuff. No violence.

So, in 1961, I was livin’ in Florida, working on car electrics as a mechanic. I did some gambling on the side to make ends meet. One night, a pool hall -- where I worked and ran a Poker game -- was broke into. The owner says he found the cigarette machine smashed in and he was missing a pile of change, plus some crates of beer, wine, and Coke. Basically, I got grounded big time for a party I didn’t have. Can you relate?

The next thing I know, I’m in court -- without a lawyer even though I kept asking for one. I was an outcast from society facing a felony charge of breaking and entering with intent to commit petty larceny. They pinned it on me and I got sentenced to five years in prison.

But I didn’t take it sitting down. It wasn’t fair and it wasn’t right that I could lose my liberty without even talking to an attorney. I used the prison’s law library and read up on the Supreme Court. You’ve got it good. You’re learning about the courts now – before you need ‘em. Well, two years into my sentence – as Prisoner No. 003826 -- I wrote a letter by hand on prison stationery to Chief Justice Earl Warren.

[Gideon sits at a counsel table, pretending to write with a pencil and legal pad. He reads out loud his petition to the Supreme Court:]
To: The Honorable Earl Warren Chief Justice of the United States;

“Petitioner [Gideon looks up and says: “That’s me.”] alleges that prior to the 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”In my letter, I referred to another Supreme Court decision I found in the prison library that I summarized this way in my letter: “Counsel must be assigned to the accused if he is unable to employ one and is incapable adequately of making his own defense.” [Gideon looks up and says: “I underlined that so they’d be sure to read it.”]

Well, the Court agreed to hear my case – *Gideon versus Wainwright*. Wainwright was the head of the prison system in Florida, at the time. I won by a unanimous decision – 9 to nothin.’ The Supreme Court said that, in criminal cases, courts have to appoint an attorney to represent you if you can’t afford to pay.

My case is considered a landmark in American judicial history. The book *Gideon’s Trumpet* tells my story and in the TV movie, Henry Fonda plays me although I’m better looking.

As I said, this all went down in the 1960s. John F. Kennedy was President. His brother, Attorney General Bobby Kennedy, even took notice of my case:

[Female participant walks to the center of the courtroom and reads this statement from a newspaper:]

“If an obscure Florida convict named Clarence Earl Gideon had not sat down in prison with a pencil and paper to write a letter to the Supreme Court, and if the Supreme Court had not taken the trouble to look for merit in that one crude petition among all the bundles of mail it must receive every day, the vast machinery of American law would have gone on functioning undisturbed.

But Gideon did write that letter.

The Court did look into his case and he was retried with the help of a competent defense counsel, found not guilty, and released from prison after two years of punishment for a crime he did not commit, and the whole course of American legal history has been changed.”

*Attorney General Robert F. Kennedy
November 11, 1963*

[Female returns to her seat.]