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Essay Competition to Celebrate the 40th Anniversary of *Gideon v. Wainwright*

The Public Defender Service for the District of Columbia (PDS) is pleased to announce an essay competition for senior public high school students in the District of Columbia in celebration of the 40th anniversary of the landmark case, *Gideon v. Wainwright*.

The case of *Gideon v. Wainwright* championed the right to due process of the law, a fundamental principle of fairness in all legal matters, and the right to a lawyer for poor people facing imprisonment. PDS will award monetary prizes to the winners of the essay competition. **The first prize is \$1000, the second prize is \$500, and the third prize is \$250. The winners will also receive a copy of *Gideon's Trumpet* by Anthony Lewis, and have their essays published in the PDS newsletter, *In the Matter of....*** Prizes will be awarded during the *Gideon v. Wainwright* Essay Competition Awarding Ceremony to be held at 4:30 p.m. on March 18, 2003, at the Superior Court for the District of Columbia.

Essay Question:

What is the importance of *Gideon v. Wainwright*?

Essay Evaluation Criteria (in order of importance):

1. Ability of the author to articulate his or her perspective.
2. Originality of the content.
3. Quality of the spelling and grammar.

Eligibility:

1. All senior high school students (Grades nine through twelve) in the District of Columbia Public Schools, District of Columbia Public Charter Schools, and the Oak Hill Academy are eligible to participate.
2. Essays should contain a separate cover page that includes: the name of the student; the name of the high school; the name of the high school principal or teacher; the high school grade of the student; and the home telephone number of the student.
3. Essays should be typed on 8 1/2 by 11 paper with a one-inch margin; be two to four pages in length; and be double-spaced.

4. Essays must be hand-delivered, or mailed and postmarked no later than February 10, 2003. They should be submitted to the following address: Tanya Hatton, Special Projects Manager, Public Defender Service, 633 Indiana Avenue, N.W., Washington D.C. 20004.
5. Late essays will not be considered.

Suggested Resources:

- *Gideon’s Trumpet* by Anthony Lewis
- The case of *Gideon v. Wainwright*, Supreme Court of the United States
(<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&navby=case&vol=372&invol=335>)
- The United States Constitution
(www.findlaw.com/casecode/constitution/)

Please list all resources used to write the essay.

Gideon v. Wainwright

In January 1962, Clarence Earl Gideon wrote a petition to the United States Supreme Court from a Florida prison cell requesting the Court hear his case. Mr. Gideon had been convicted of breaking and entering into a poolroom in Panama City, Florida. When he was arrested on this felony charge, Mr. Gideon could not afford to hire a lawyer to represent him in court. When his case came up for trial, Mr. Gideon asked the trial judge to appoint a lawyer for him. The trial judge refused. At the time, only people who were charged with crimes in federal court were entitled to a lawyer free of charge. Mr. Gideon was in state court and the Supreme Court had decided 20 years before in a case called *Betts v. Brady* that the right to appointed counsel was a federal right, not a state right. Without a lawyer, Mr. Gideon was left no other choice but to defend himself at his trial, which he did as best he could. The jury found him guilty and the judge sentenced him to 5 years in prison.

While he was in prison, Mr. Gideon wrote to the Florida Supreme Court asking that it overturn his conviction and give him a new trial with a lawyer. The Florida Supreme Court turned him down. The only court left that could help Mr. Gideon win his freedom was the United States Supreme Court. Mr. Gideon wrote to it. Mr. Gideon was fifty-one years old when he wrote to the Court. He had been in and out of juvenile hall and prison many times in his life and had never finished high school. Using a pencil and paper provided by the Florida prison system, Mr. Gideon handwrote a petition to the Supreme Court asking that it overturn his conviction because the trial judge had denied him his guaranteed right to a lawyer.

With few exceptions, the U.S. Supreme Court chooses which cases it wants to decide. People who want to have their case decided by the Supreme Court have to apply (“petition for a writ of certiorari”). The Court denies most of those applications, but they granted Mr. Gideon’s and chose to hear his case.

At issue in Mr. Gideon’s case was whether *Betts v. Brady* had been wrongly decided. The 6th Amendment to the Constitution guarantees, “In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defence.” The 6th Amendment and the other amendments in the original Bill of Rights only directly apply to the federal government; they do not apply to the states. It is the 14th Amendment that declares that States cannot “deprive any person of life, liberty or property, without the due process of law.” The Supreme Court had decided in other cases that other sections of the Bill of Rights, such as freedom of speech, press and religion, were so fundamental that they applied to the States through the 14th

Amendment. The question in Mr. Gideon's case was whether the right to a lawyer was so "fundamental and essential to a fair trial ... and to due process of law" that it applied to States through the 14th Amendment. The Court in *Betts* had decided that the 6th Amendment right to counsel was not such a fundamental right. The Court in Mr. Gideon's case looked at the question again.

The Court recognized that criminal cases can be very complicated. The Court noted that the government hires lawyers to prosecute cases, and that people who can afford to do so hire the best lawyers they can to defend themselves, so having a lawyer in court must be a necessity, not a luxury. The Court reasoned that even an educated person, if s/he is not educated in the law, will not know the complex rules and laws that apply in a criminal case. The Court held that the right to counsel was a fundamental part of due process of law and therefore applied to States through the 14th Amendment. Mr. Gideon won. His conviction was overturned. At a new trial, a lawyer represented him and he was found not guilty.

Copies of this announcement and a hard copy of the *Gideon v. Wainwright* court case are available for pick-up Monday through Friday from 9:00 a.m. to 5:30 p.m. at the second floor reception of the Public Defender Service, 633 Indiana Avenue, N.W., Washington D.C. 20004.

Should you have any questions about the competition, please call Tanya Hatton at (202) 628-1200