

Nation marks a milestone

Court case affirmed basic right

Clarence Earl Gideon is not a well-known figure in U.S. history. Yet, his role in the defense of civil rights is nearly as significant as that of people whose names are much more familiar: Linda Brown, for example, the young plaintiff in the case that led the Supreme Court to overturn the concept of "separate but equal" schooling for blacks, or even Rosa Parks, whose defiance of Alabama's Jim Crow laws resulted in another landmark court ruling declaring them illegal.

Mr. Gideon's obscurity outside the legal profession is not particularly surprising. A penniless and poorly educated drifter, he was arrested in Florida more than four decades ago and convicted of a felony for allegedly breaking into a pool hall to steal a few bottles of beer. Unlike better-known champions of civil rights, there was nothing heroic or even particularly admirable about him except his doggedness. He was, in short, dubious material from which to fashion historical icon.

Yet, Mr. Gideon's legal battle in the early 1960s led to a landmark affirmation of a fundamental principle of American democracy: that wealth and social status ought to be irrelevant when it comes to exercising the rights guaranteed by the Constitution. It is a principle that bears particular consideration in these uncertain times, when fear and anxiety have blunted the nation's collective sensitivity to the rights of people accused or merely suspected of committing crimes.

Today marks the 40th anniversary of the Supreme Court verdict in Mr. Gideon's case, the particulars of which are ably described in the accompanying commentary by Ventura County Public Defender Ken Clayman (see Page B7). To summarize briefly what Mr. Clayman explains in greater detail, the Gideon verdict affirmed the public's obligation to provide competent legal representation to an accused person who cannot afford to hire a lawyer.

It is rather remarkable that nearly two centuries after it was ratified, the Sixth Amendment's clear guarantee — that all Americans accused of crimes have the right to legal representation — was being disregarded in most states. In effect, by refusing to provide attorneys to the indigent, those states had deemed poor people an inferior class of citizens undeserving of constitutional protections because they could not afford to buy them.

That presumption clashed rather dramatically with the impulses that had produced the Sixth Amendment and the rest of the Bill of Rights, which were extensions of the young nation's revolutionary break from 18th century England's rigidly class-based society and monarchical government. Under that system, wealth and heredity — not the mere fact of citizenship — determined both an individual's role in society and his or her access to the protections afforded by its institutions. Founders of the United States, in contrast, declared it their belief that all citizens were equally deserving of those rights and protections, and they enshrined that belief in their blueprint for federal government.

There is no greater test of this nation's character nearly two centuries later than its willingness to embrace the exercise of these fundamental rights by its least sympathetic citizens. It is difficult, after all, to hold anger in check when protections against unlawful search and seizure appear to prevent a criminal's conviction; it can be profoundly disturbing to see unpleasant or even hateful speech defended against efforts to quash it. And in the face of demonstrated or suspected terrorist threats, it can be deeply tempting to suspend such niceties in the quest for security.

But as the U.S. Supreme Court ruled 40 years ago in Mr. Gideon's case, the Constitution applies equally to all Americans. The rights it guarantees are hollow things if they cannot — for reasons of social class, race, economic status or political unpopularity — be exercised at will.