

Thoughts From THE HEART
BY: Joseph Smith
MAY-18-2013
2100HRS:

"A' Nobody's Legacy"
How A SEMI-ITERATE PRISONER CHANGED
THE LEGAL SYSTEM:

CLARENCE EARL GIDEON WAS 50 WHEN HE
WAS CONVICTED OF BURGLARY IN 1961. IF YOU'VE
HEARD OF CLARENCE EARL GIDEON AT ALL, IT'S
PROBABLY BECAUSE OF A MOVIE YOU HAD TO WATCH
IN SCHOOL. HE DESERVES BETTER, BECAUSE 50 YEARS
AGO HE FUNDAMENTALLY CHANGED THE AMERICAN LEGAL
SYSTEM AND YOUR RIGHTS IF YOU ARE ACCUSED
OF A STATE CRIME.

IN GIDEON V.S. WAINWRIGHT, A UNANIMOUS SUPREME
COURT DECLARED ON MARCH 18, 1963, THAT THE
STATES WERE REQUIRED TO PROVIDE LEGAL COUNSEL
FOR DEFENDANTS IN FELONY CASES WHO COULD NOT
AFFORD AN ATTORNEY.

IN DOING SO, IT ACCEPTED THE REASONING
OF A POORLY EDUCATED PRISONER WHO WROTE
OUT HIS WRIT OF HABEAS CORPUS PETITION TO
THE COURT BY HAND. FEDERAL COURTS HAVE
BEEN REQUIRED TO PROVIDE INDIGENT DEFENDANTS
IN FELONY CASES SINCE 1938, BUT THE SAME
COURTS HAVE DISCRETION TO DEVELOP THEIR OWN
WAYS TO ENSURE A FAIR TRIAL IN CASES THAT
DON'T INVOLVE THE DEATH PENALTY.

IF AN OBSOLETE FLORIDA PRISONER HAD NOT
SAT DOWN IN PRISON WITH A PENCIL AND PAPER
TO WRITE TO THE SUPREME COURT, AND IF THE
SUPREME COURT HAD NOT TAKEN THE TRouble
TO LOOK AT THE MERITS IN THAT ONE CRUEL
PETITION AMONG ALL THE PETITIONS IT RECEIVED
EVERY DAY, THE VAST MACHINERY OF AMERICAN
LAW WOULD HAVE GONE ON FUNCTIONING UNDISTURBED.

ROBERT KENNEDY, THEN THE U.S. ATTORNEY GENERAL,
SAID IN ADDRESS IN BOSTON LATER THAT YEAR,
"BUT GIDEON DID WRITE THAT LETTER, HE SAID,
THE COURT DID LOOK INTO THIS CASE - HE WAS
RETRIED WITH THE HELP OF COMPETENT 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
LEGAL HISTORY HAS BEEN CHANGED. I KNOW OF
FEW BETTER EXAMPLES THAN THAT OF A DEMOCRATIC
PRINCIPLE IN ACTION."

Today, innocent defendants are legally represented across the United States. But in the 50 years since the decision, the "quality" of their representation has been called into question. In a new book timed to mark the anniversary, "Chasing Gideon," the writer argues that "we have not delivered on the promise of Gideon."

The public defenders in Cuyahoga County, ^{OHIO} ALONE have 200 felony cases or 225 misdemeanor cases for a single attorney. As a result, they're forced to persuade people to plead guilty without investigating what actually happened - this there are thousands of people languishing in jails, prisons across this land, and in the state of Ohio.

Flash Back To June 3, 1961 - CLARENCE EARL GIDEON, WHO WAS ARRESTED AFTER ABOUT \$5.00 IN CHARGE AND SOME BEER AND SODA WERE STOLEN FROM A POOL ROOM. REPRESENTING HIMSELF BECAUSE THE TRIAL JUDGE REJECTED HIS REQUEST FOR A COURT APPOINTED LAWYER, GIDEON WAS CONVICTED AUGUST 4, 1961 AND HANDED A FIVE YEAR PRISON SENTENCE.

While IN PRISON, GIDEON READ UP ON THE LAW, AND HE BECAME CONVINCED THAT THE FEDERAL REQUIREMENT TO PROVIDE COUNSEL HAS TO APPLY TO THE STATES THROUGH THE 14TH AMENDMENT, WHICH COURTS HAVE LONG SINO/HOLD EXTENDED THE BILL OF RIGHTS TO THE STATES.

GIDEON MAILED A HANDWRITTEN FIVE-PAGE PETITION IN JANUARY 1962 TO THE U.S. SUPREME COURT, WHICH AGREED TO HEAR HIS CASE. THIS CASE HAS GONE DOWN IN MEMORY AS — "GIDEON -VS- WAINWRIGHT," THANKS TO THE BOOK "GIDEON'S TRUMPET." THE DECISION CAME DOWN TWO MONTHS LATER - FIVE MONTHS LATER GIDEON WAS RETRIED AND ACQUITTED. GIDEON HAD THE GUTS TO STAND UP

against all odds and say "THAT'S NOT FAIR!" As a result of Gideon -vs- Wainwright more than 4,000 inmates got new trials or were simply released. So states now have statewide public defender offices - even if they're not always effective, those offices are a monumental legacy to Gideon.

As the writer read Gideon's petition, it was touching to me, he was making such a good and sincere argument - somewhat illiterate, it's full of spelling mistakes and handwritten in pencil, it's incredibly moving to read. As an American, it's moving to see someone take a stand against the big guys, that he has the guts to stand up and say "THAT'S NOT FAIR, I'M AN AMERICAN, AND THIS ISN'T RIGHT." But the most incredible part, he was nobody - just like me, until now's time - thoughts from the heart.

A handwritten signature in black ink, appearing to read "John B. Smith".