

Gideon v. Wainwright
Abe Fortas, Attorney Appointed by the Supreme Court
Monologue
(420 Words)

[Narrator Stands at the Podium and Reads:] The Supreme Court appointed one of the most respected lawyers in the country to represent Mr. Clarence Gideon at oral arguments. As history would have it, Mr. Fortas was later appointed to the Supreme Court as an Associate Justice. But as an attorney representing Mr. Gideon on the day of oral arguments in 1963, his job was to reason with the Court and help the justices come to a just conclusion.

[Abe Fortas Goes to the Podium, Holding a Court Transcript and Says:] Although it was before you were even born, it seems like yesterday when I appeared before the Supreme Court. Here's the transcript of what I said to the Justices: ***[Fortas reads the following:]***

“Let me say this, if the Court please: If you will look at this transcript of the record, perhaps you will share my feeling, which is a feeling of despondency.

- This record does not indicate that Clarence Earl Gideon is a man of inferior natural talents.
- This record does not indicate that Clarence Earl Gideon is a moron or a person of low intelligence.
- This record does not indicate that the judge of the trial court in the State of Florida, or that the prosecuting attorney in the State of Florida, was derelict in his duty.
- On the contrary, it indicates that they tried to help Gideon. But to me, if the Court please, this record indicates ... that no man, certainly no layman, can conduct a trial in his own defense so that the trial is a fair trial.”

[Fortas steps away from the podium and walks toward the audience, saying:] “I am happy to say, that the Court ruled unanimously that the Constitution requires states to assure free counsel for the poor in every serious criminal case. And that set the wheels in motion for the development of public defender systems across the nation. Public defender systems that make a difference for each of you – even if you never get in trouble with the law.”

[Narrator Stands at the Podium and Reads:] Later, we are going to talk about how the public defender system has an impact on you and on the lives of all law-abiding citizens, so I want you to think about that as we continue.

Justice Hugo L. Black wrote the opinion for the court and all of the Justices signed on to it, making the decision unanimous. Let's hear his perspective: