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Gideon's Trumpet: How One Man, A Poor Prisoner, Took His Case To The Supreme Court-and Changed The Law Of The United States



Synopsis

A history of the landmark case of James Earl Gideon's fight for the right to legal counsel. Notes, table of cases, index. The classic backlist bestseller. More than 800,000 sold since its first pub date of 1964.

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Customer Reviews

A history of the landmark case of James Earl Gideon's fight for the right to legal counsel. Notes, table of cases, index. The classic backlist bestseller. More than 800,000 sold since its first pub date of 1964.

Anthony Lewis was a two-time Pulitzer Prize-winning journalist who transformed American legal journalism. He is the author of *Gideon's Trumpet* which concerned *Gideon v. Wainwright*, the 1963 decision that guaranteed lawyers to poor defendants charged with serious crimes. His book *Make No Law: The Sullivan Case and the First Amendment* is an account of *New York Times v. Sullivan*, the 1964 Supreme Court decision that revolutionized American libel law. Lewis was a New York Times reporter at the Supreme Court from 1957 to 1964 and wrote an Op-Ed column for thirty years called "At Home Abroad" or "Abroad at Home" depending on where he was writing from. He also taught at the Harvard Law School where he was a Lecturer on Law from 1974 to 1989. He has also been the James Madison Visiting Professor at Columbia University. Anthony Lewis died in 2013 at the age of 85.

Clarence Earl Gideon was arrested for a petty crime, and because he couldn't afford one, asked for an attorney to represent him in court. His request was denied. He was convicted and sentenced to five years in the Florida State Prison. Using a pencil and prison letterhead, he appealed to the Supreme Court for a writ of certiorari. Arguing that the lower court had deprived him of his Sixth Amendment right to have an attorney for his defense and that he had been denied due process under the Fourteenth Amendment, Gideon told the Court that as a layman he was incapable of defending himself. Gideon's chance of finding a needle in a haystack was infinitely greater than having his case heard by the Supreme Court. But it was. *Gideon v. Wainwright* (1963) changed the whole course of American legal history.

Gideon's incredible story, and the story of how the Supreme Court chooses and decides cases, is the subject of this very readable book by Anthony Lewis. Lewis knows the ins and outs of the American judicial system. He was a New York Times reporter who covered the Supreme Court from 1957 to 1964. He also taught law at Harvard from 1974 to 1989. The Supreme Court receives some 2500 appeals each term (or did so at the time of Gideon's appeal) of which 150 are actually granted a hearing. "Review by the Supreme Court is in the interest of the law, its appropriate exposition and enforcement, not in the mere interest of the litigants," the author quotes Chief Justice Charles Evans Hughes. In other words, the Court accepted Gideon's appeal not out of the goodness of its heart but to address a legal issue. The issue that interested the Court was whether or not criminal defendants tried in state court who were unable to afford an attorney, and not provided one by the state, were being denied their Constitutional rights. In federal court, defendants without means were provided legal counsel by court. Under federal law, it was their Constitutional right. But under state law? That was a different issue all together. The states were not bound by Bill of Rights guarantees.

"Our Constitution created a system of dual governments, state and federal, each with its own laws," writes the author. Tried in a state court, Gideon was not guaranteed the right to an attorney. Fortunately for him, issues of federal law sometimes arise in state courts, and therefore can be appealed, and this was one. Twenty years earlier, in a similar case (*Betts v. Brady*, 1942), the Court ruled in favor of the state – an indigent criminal defendant did not have the right to an attorney. By 1962, when Gideon filed his appeal, the makeup of the court had changed significantly (more liberal/more activist) and decided to reexamine the merit of the Court's prior decision. Having accepted Gideon's appeal, the Court asked one of the top attorneys in the nation (future

Supreme Court justice Abe Fortas) to represent Gideon. Working pro bono, Fortas put the expertise of his powerful Washington law firm to work on the case, with no stone left unturned. The state of Florida, meanwhile, assigned a 26-year-old assistant attorney general named Bruce Robert Jacob to represent the state. He argued that defendants without means were perfectly capable of acting as their own attorney. Indeed, Gideon had done quite well for himself in court, in a losing case. Jacob also made an appeal to all 49 states to file friend-of-court briefs on behalf of Florida. There was one very big problem, however: 23 states favored a new standard of fairness on state criminal procedure. Only two states—Alabama and North Carolina—spoke up for Florida. The Court’s ruling was unanimous. As with state capital offenses, defendants who could not afford an attorney now must be provided one by the state. Gideon’s conviction was overturned. He was assigned an attorney and his case was retried in a Florida court. This time, he won, and was released from prison. *Gideon v. Wainwright* was one of three Supreme Court decisions to significantly alter criminal procedure so that it better protected the rights of the accused. The other two are *Miranda v. Arizona* (1966) and *Mapp v. Ohio* (1961). Conservative critics have accused the court in such cases as legislating rather than adjudicating the law. Perhaps. But how much longer would it have taken Congress to pass such legislation, if ever? Justice Walter Schaefer of Illinois has advanced “the relation of the United States to the rest of the world” today as one argument for national standards of criminal procedure. “The quality of a nation’s civilization can be largely measured by the method it uses in the enforcement of its criminal law.” Adds the author, “The Supreme Court is in a strategic position to give voice to national ideals. Brilliant book.

I am taking a Modern American Law class this semester, and this book was one of the required texts. The book is deceiving because its size does not reflect the amount of information it provides on every single page. This book and its content fascinated me from page one. By the time you get to the end of this book, you feel as if you’ve played a major part in this case. This is a fabulous book, and I would definitely recommend it to anyone, law student or not.

This book was great, especially for somebody who’s training to become a legal professional, but really for all U.S. Citizens who want to understand how our justice system works in the highest court in the land. Unfortunately, many jurisdictions still don’t comply with the Supreme Court Mandate that indigent defendants charged with a crime cannot receive a fair trial without a criminal defense

attorney! This is costing us a bundle, because it's expensive to keep people in jail & we're broke. Not to mention that, in the cases where innocent people are convicted without a fair trial, we still have the criminals free among us & they are going to commit more crimes because they've learned they can get away with it! I would recommend this book for anybody who is concerned about civil rights and our justice system. And if you read this one you'll also want to read "Chasing Gideon," which talks about current problems with indigent defense in various jurisdictions. This will give you a clearer picture of what's happening now. This book, "Chasing Gideon," is also available through .

A docent at the National Archives in Washington DC recommended this book. Good read.

required reading for a Politics class

Great Book!

Clarence Earl Gideon was just another prisoner asking the Supreme Court to get him out of jail until the Court agreed to hear his case. At that point, he became the catalyst around which events swirled and resulted in a historical decision by the highest Court in the land. The book gives an excellent account of the evolution of the right to counsel law, the Supreme Court's struggle with balancing states' rights and individual liberty, the difference of opinion among Supreme Court justices regarding stare decisis, and the Court's willingness to reverse one of its prior decisions. An excellent read for anyone interested in justice, the law, and civil liberty.

For some reason Lewis' book reminded me, more than anything else, of the classic works of the old DC novelist Allen Drury, who wrote about life in Washington in this era. Most specifically, it does so in the way in which it is filled with confidence in the public men of that city and the institutions of American government itself. The prose is brisk and clear, as to be expected from a journalist of that era. This is worth reading.

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