

Gideon's trumpet book report

Literature



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Gideon's Trumpet, a well-known book in the field of law was written by Anthony Lewis in 1964 and the book presents us with the true account of a man by the name of Clarence Earl Gideon, a semiliterate transient who is put in prison for breaking and entering and minor stealing. In the book we find a detailed account of the story of a man that managed to become a constitutional landmark. The book is set in the 1960's in the beautiful state of Florida. The scenery is always in a courtroom or Gideon's Jail cell. The setting is set in a time period where there civil unrests existed inequality.

The book presents to the reader the story of Clarence Earl Gideon who was a petty thief previously. He conserved his documentation by applying for the slotting of a lawyer for him, and he filed an opportune appeal for doing so to the United States Supreme Court. As luck would have it, even though the Florida courts deprived him of legal representation, the judges appointed Abe Fortas, to dispute his grounds. His triumph, ceaselessly setting up the right of the underprivileged to advocate in criminal act cases in America, was one of the milestone cases of the Warren Court.

The book, Gideon's Trumpet has been penned down by the author in order to call to mind the old times behind the Gideon v. Wainwright court case and the ways in which it made such an everlasting impact on the laws of the United States. This exceptional book scrutinizes the case Gideon v.

Wainwright, the milestone 1963 Supreme Court case which detained that impoverished criminal defendants are unconstrained to legal advocates at the expense of the government. Gideon's Trumpet is an articulate and edifying book which provides the reader with at the imperative tale which has never before occurred in the United States legal system.

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The book is recited with an adequate amount of side comments on the subject of the legal procedure and communal framework and it also proposes an extensive viewpoint of the ordinary people at the legal system. On August 4, 1961, in the Circuit Court of the 14th Judicial Circuit of Florida, Mr. Gideon was tried and convicted by Judge Robert L McCrary, Jr. During this trial, Mr. Gideon didn't have a counsel and was accused with burglary for breaking into a pool house in Panama City. Evidence, such as wine and loose change was found on Mr. Gideon.

During this trial, Gideon actively seeked a counsel and asked the court on numerous occasions to provide him with a counsel. With each request, the court denied him the right to counsel. Thus, the case was extremely bias. Mr. Gideon had to represent himself against a state prosecutor. Gideon failed to understand the proper procedures in a law case and certain attorney techniques such as questioning the jury for bias opinions and asking relevant questions that lead to a point. Mr. Gideon simply asked questions that didn't contain any lead and was shut down by the prosecutor.

With the most unfavorable conditions, Clarence Earl Gideon was convicted and sentenced to five miserable years in prison. After a short time in jail, Gideon used the sources that were closest to him such as the prison library. Gideon checked out multiple books on law and studied his case. He then sent a petition to the Supreme Court of the United States to appeal the case. Mr. Gideon claimed that his 6th and thus 14 amendment rights have been clearly violated. His appeal went through the proper process and became approved.

His efforts and his case caught the eye of case reviewers and thus his petition didn't just go in the regular pile that went nowhere. The main character in the book is Clarence Earl Gideon. Despite the speculations, Gideon was not a black male but rather a white male with white hair. Gideon was born August 30th, 1910 in Hannibal Missouri. With the age of fifty-one, Gideon had a wrinkled and prematurely aged face. Mr. Gideon had a frail body with a voice and hands that trembled. Mr. Gideon survived off gambling and occasional thefts. Mr. Gideon would often find himself on the wrong side of the law.

Gideon's family had little education. Mr. Gideon ran away from his life of misery at the age of fourteen and ran away to California. From there, his life became the living definition of turmoil and Gideon would find himself in and out of jail. He was sentenced in a juvenile court in Ralls County Missouri for stealing clothes from a country store. In the later part of 1934, Mr. Gideon worked in a shoe factory because that was his skill. Within a short time, he was sentenced for stealing government property to wit a armory. While he was in jail, Gideon sent money back home to his folks.

In 1937 through 1940, Gideon remained in jail until he escaped. In 1943, Mr. Gideon escaped prison another time. In 1944, Mr. Gideon was arrested again, this time for falsifying records while he was trying to work in a shoe company. In October 1955, he married his current wife named Ruth Ada Babineaux. Clarence accepted Ruth's children, paying 8 eighty dollars to take custody of Ruth's children. In 1956 Clarence received his 1st official son and in 1957 came the second son. Clarence understood the necessity of

religion and infused religion on his household by sending the children to class fully prepared.

There were other characters in the book. Abe Fortas was the defense attorney who represented Mr. Gideon. Fortas had just turned fifty-two years of age when he was assigned to Gideon's case. Being born on June 19, 1910 to a modest family, Fortas loved living the grand life of being a lawyer graduating from Yale. Mr. Fortas flies around the world giving lectures and workshops. Fortas really had an interest for law on the philosophical aspects of law, such as what is really right. Fortas was a small man but with very powerful voice.

His speech was very low and quail but had a great sense of intellectuality behind it. Justice Jackson was not a strong supporter of the judicial review. He wrote a statement in 1954 referring to the real strength of the Court. Justice Jackson wrote " The real strength of the position of the Court is probably in its indispensability to government under a written Constitution. It is difficult to see how the provisions of a one-hundred-and-fifty-year-old written document can have much vitality if there is not some permanent institution to translate them into current commands. Two other important characters in the book were Justices Black and Frankfurter. Chapter 6 provides an excellent review of methods of judicial, particularly those employed by Justices Black and Frankfurter. Lewis's objective in this chapter is to provide the reader with some idea of the difficulty that a justice faces each time he is forced to decide a case. Gideon had lodged his complaint as if there was no precedent in the area of right to counsel. Gideon had made

no reference to Betts, but the Court could certainly not ignore the presence of Betts in making its decision.

At the crux of the issue which Lewis raises in this chapter is judicial review. The principle of judicial review has been accepted; however, the method about which method of judicial review should be used is still very much in question. As previously stated, Justice Frankfurter supposedly employed the judicial self-restraintist mode of judicial review. According to this model, the Court is to defer to the legislature and the states in its decision-making. Frankfurter expressed "apprehensiveness" about the Court interjecting its wisdom over that of the popularly elected legislature.

In a stark contrast to Frankfurter, Justice Black's method of interpretation held the Constitution's provisions as "absolute" truths inviolable by the legislature. From this view, Justice Black did not have trouble overturning an act of the legislature that ran afoul of a Constitutional provision. However, as Lewis describes, the differing modes of interpretation employed by Frankfurter and Black are not always logically consistent. Frankfurter did not show deference in striking down the constitutionality of wiretapping and the provision of public funds to parochial schools.

Justice Black did not act to strike down such actions as unconstitutional. As Abe Fortas began formulating his argument for the Court, he realized that for a justice like Frankfurter overturning the precedent of Betts would not be a simple task. As a judicial self-restraintist, Frankfurter usually held that the Court's opinions were to be made under the guise of stare decisis, which means to stand by a decision. However, Frankfurter was not absolute in

conforming to precedent. For instance, he voted to overturn the "separate but equal" doctrine proscribed in *Plessy v. Ferguson* in the case of *Brown v.*

Board of Education of Topeka. For the reasons previously stated, Fortas felt that he would not face similar difficulties in convincing Justice Black to join his argument. Beyond precedent, the issue of federalism also presented a difficulty in Gideon's case. Federalism has been an issue of utmost importance for the Court ever since its momentous decisions in *McCulloch v. Maryland*, in which the Court held that the federal government's power to create a bank was superior to the states'. Relevant to Gideon's claim was Frankfurter's belief that the federal government should not impose upon the states to protect individual liberties.

Justice Black had little of the same resistance. At the crux of the considerations Fortas was making in regard to the views of Justices Black and Frankfurter was the issue of incorporation. The biggest problem in the book was simply the fact that there was a great injustice done to Clarence Earl Gideon. During the initial trial, Mr. Gideon didn't have a counsel and was accused with burglary for breaking into a pool house in Panama City. Evidence, such as wine and loose change was found on Mr. Gideon. During this trial, Gideon actively sought a counsel and asked the court on numerous occasions to provide him with a counsel.

With each request, the court denied him the right to counsel. Thus, the case was extremely bias. Mr. Gideon had to represent himself against a state prosecutor. Gideon failed to understand the proper procedures in a law case and certain attorney techniques such as questioning the jury for bias

opinions and asking relevant questions that lead to a point. Mr. Gideon simply asked questions that didn't contain any lead and was shut down by the prosecutor. With the most unfavorable conditions, Clarence Earl Gideon was convicted and sentenced to five miserable years in prison.

Gideon felt that there would have been a better chance of him not being convicted if only he had a proper attorney. Gideon also believes that because he is poor, he should really have the right to be appointed a proper counsel. Therefore, Mr. Gideon sends in the petition in order to solve his conflict by having an appeal and have a retrial. In this retrial, Gideon hopes that justice will be served because he didn't commit that crime. One of the most important events in the book was the landmark case *Betts v. Brady*. *Betts v.*

Brady was a landmark United States Supreme Court case that denied counsel to indigent defendants when prosecuted by a state. It was overruled by *Gideon v. Wainwright*. In its decision in *Johnson v. Zerbst*, the Supreme Court had held that defendants in federal courts had a right to counsel guaranteed by the Sixth Amendment. In *Powell v. Alabama*, the Court had held that state defendants in capital cases were entitled to counsel, even when they could not afford it; however, the right to an attorney in trials in the states was not yet obligatory in all cases as it was in federal courts under *Johnson v.*

Zerbst. In *Betts v. Brady*, *Betts* was indicted for robbery and upon his request for counsel, the trial judge refused, forcing *Betts* to represent himself. He was convicted of robbery, a conviction he eventually appealed to the

Supreme Court on the basis that he was being held unlawfully because he had been denied counsel. At the end of the book, Clarence Gideon was granted a new trial. This time when he appeared for trial in the Circuit Court of Bay County, Florida, Gideon had a lawyer, and the lawyer made a difference.

The jury acquitted Gideon in his retrial showing, in just one person's case, what we know to be true: The right to counsel has profound meaning in the lives of those who are accused. Gideon's Trumpet was a great book; it had a lot of factual information that was useful in the class. The book was on the subject of law, which I enjoy dearly so it was interesting. After reading this book I obtained a great deal of knowledge on such a landmark case that helped establish a position on such a on going debate.