

# Gideon's Trumpet: A Study Guide

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I am asking you to read this book because it informs us about the Supreme Court and justice in America in an interesting and thoughtful way. Many of you may be surprised to learn how recently the right to counsel in a criminal trial was obtained for all citizens of the United States, especially since we now consider this right as fundamental. Anthony Lewis tells the story of Clarence Earl Gideon and his search for justice. It is a story that transcends this one man and explores how our judicial system functions. By defining/explaining terms and cases as the story unfolds, Lewis makes this case accessible to even the lay reader (for example, in Chapter 1, the **Writ of Certiorari** is introduced with an easy to understand definition included: “a formal device to bring a case up to the Supreme Court from a lower court”). You will find yourself using information that you learned in last year’s United States History, and fleshing out many concepts introduced, but not fully discussed—most important, you will have a new appreciation for both the concept of federalism and the importance of the 14<sup>th</sup> Amendment and its guarantees of **due process** and **equal protection**.

This Study Guide is broken into chapters. Most will include a section on **VOCABULARY** (terms, court cases, concepts, and people that you should know—or at least be familiar with) and **QUESTIONS** (things to think about as you read—and then reflect upon again as you finish each chapter).

## But first...some background information!

This book is about the case **Gideon v. Wainwright**, Docket 155, Citation 372 U.S. 335 (1963). It was argued before the United States Supreme Court on January 15, 1963; the Court’s decision was released on March 18, 1963. As you will see, the primary issue was the **right to counsel**, but you will learn much about the 6<sup>th</sup> and the 14<sup>th</sup> Amendments, as well as about federalism in this book.

**BEFORE YOU START:** All of the tasks (except for handouts) will be completed in your notebook. You should have plenty left-over from class- as the remainder of the semester will be covering this book. Separate chapters and additional tasks. Be sure to complete each task, as you will be graded on each thing. It is typically best to define terms by using Google define- but, a good old fashioned dictionary will help you with the majority of terms, as well. Your ‘Vocabulary’ and ‘Questions to think about...’ will all be handwritten- do not type these out and glue them in! (The only exception will be identifying the 6<sup>th</sup> and 14<sup>th</sup> Amendments.)

**\*\*Be sure when you are answering ALL questions throughout this packet, that you restate the question and answer in complete questions.\*\***

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**Your Task-Day One:** (5 pts. For 6<sup>th</sup> Amendment summarization; 20 pts. For 14<sup>th</sup> Amendment summarization; 1 pt. for Federalism definition; 15 pts. For Acrostic poem)

- Using the Constitution Handbook, look up the 6<sup>th</sup> Amendment and the 14<sup>th</sup> Amendment. Type them out, word for word. Then, summarize each amendment: what is it saying? What do you think that means? (For the 14<sup>th</sup> Amendment, summarize each section.)
- Define the word federalism. Create an Acrostic Poem for them word (Acrostic poems are those poems that run vertical and you find a word/phrase that fits with each letter.)

**Your Task-Days Two-Three:** (12 pts. For Background summary questions; 18 pts. For Justice biographies; 10 pts. For Gideon biography; 10 pts. For Fortas biography)

- Read the Background Summary and complete the accompanying questions.
- For each of the following justices, look up their basic biographical information: who were they nominated by? When were they in office? Don't forget to include a picture. It should look something like this when you're done, with the picture to the side:
  - **Who were the justices on the court when *Gideon v. Wainwright* was heard?**
    - Justice Earl Warren
    - Justice Hugo L. Black
    - Justice William O. Douglas
    - Justice Tom C. Clark
    - Justice John M. Harlan
    - Justice William J. Brennan
    - Justice Potter Stewart
    - Justice Byron R. White
    - Justice Arthur J. Goldberg (who had recently replaced Justice Felix Frankfurter)
- You will also provide background information on Clarence Gideon and Abe Fortas. Again, don't forget to include a picture.
  - Clarence Gideon: brief biographical info: where was he born, education, job status, etc. (6-8 sentences)
  - Abe Fortas: brief biographical info: where was he born, education, job status, etc. (6-8 sentences)

**Chief Justice Earl Warren**

**Nominated by:** Dwight D. Eisenhower

**In Office:** January 4, 1943-October 5, 1953

## **Good Websites for more information**

The Supreme Court <http://www.supremecourtus.gov/>

The Federal Judicial Center <http://www.fjc.gov/>

The Cornell Law Website <http://www.law.cornell.edu/>

Great resource for information <http://www.oyez.org/>

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## Chapter 1 (12 pts. Vocab; 6 pts. Questions; 10 pts. Discussion)

### Vocabulary

Docket	Affidavit	Due process
Miscellaneous docket	Substantial compliance	Capital offense
Federal statute	Writ of certiorari	Clarence Earl Gideon
<i>In forma pauperis</i>	14 <sup>th</sup> Amendment	Betts v. Brady

### Questions to think about...

- Why did Gideon think that he was denied due process?
- Why was his first attempt to have his case heard by the Supreme Court rejected?
- How did the law define persons in “*special circumstances*?”

## Chapter 2 (17 pts. Vocab; 12 pts. Questions; 10 pts. Discussion)

### Vocabulary

Demigod	<i>Martin v. Hunter's Lessee</i>	Justice Louis D. Brandeis
Jurisdiction	Chief Justice John Marshall	Judicial philosophy
<i>Gideon v. Cochran</i>	Justice Joseph Story	Judges Bill of 1925
Federalism	Justice Taney	Chief Justice William Taft
Supremacy clause (Article VI)	<i>Dred Scott v. Sandford</i>	Justice Felix Frankfurter
Judiciary Act of 1789	Standing	

### Questions to think about...

- What does Justice Robert H. Jackson mean when he says that the Supreme Court is “a substantially passive instrument, to be moved only by the initiative of litigants?”
- What is federalism and how does the concept relate to this case?
- What is the significance of the *Martin v. Hunter's Lessee* case? Why does Lewis believe that this case is “an essential ingredient in the survival of the United States as a nation?”
- Are there any restrictions placed on the Supreme Court's ability to intervene in the affairs of the state courts?
- What is meant by the statement “Ours is an adversary system of justice, and its assumption is that the truth is best brought out on a genuine lawsuit between two parties?”
- What are some of the reasons used to deny a writ of certiorari?

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## Chapter 3 (5 pts. Vocab; 4 pts. Questions; 10 pts. Discussion)

### **Vocabulary**

Parkinson's law  
First among equals  
Law clerk  
The Rule of Four  
Chief Justice

### **Questions to think about...**

- What is the purpose of the secrecy that rules at Supreme Court Friday conferences?
- How is the influence of the Chief justice felt during these conferences?

## Chapter 4 (3 pts. Vocab; 4 pts. Questions; 10 pts. Discussion)

### **Vocabulary**

Abe Fortas  
New Deal  
William O. Douglas

### **Questions to think about...**

- *Pro bono work* describes the service done by lawyers for citizens and the Court. What does the fact that lawyers agree to work without a fee say about our legal system—and lawyers? (Should we stop telling so many lawyer jokes?)
- If you were Gideon, would you want the Abe Fortas describes in Chapter 4 to represent you? Why or why not?

## Chapter 5 (4 pts. Vocab; 4 pts. Questions; 10 pts. Discussion)

### **Vocabulary**

Bible belt  
Arraignment  
Writ of habeas corpus  
*Jute joint*

### **Questions to think about...**

- A biography of Mr. Gideon fills most of this chapter. His letter to Abe Fortas offers a sad insight into his life and the hard conditions under which some Americans live. Does this letter influence the way you look at his case? Should he have been granted a lawyer for his Florida trial?

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## Chapter 6 (13 pts. Vocab; \_\_\_\_ pts. Questions; 10 pts. Discussion)

### Vocabulary

Judicial review

*Marbury v. Maryland*

Precedent

*Stare decisis*

Federalism

States' rights

*McCulloch v. Maryland*

*Barron v. Baltimore*

14<sup>th</sup> Amendment

*Adamson v. California*

Process of absorption

*Griffin v. Illinois*

*Mapp v. Ohio*

### Questions to think about...

- See the questions on the top of page 84 (the sixth paragraph of Chapter 6)—fabulous questions to ponder...answer them.
- Compare and contrast the views of Justice Frankfurter and Justice Black concerning judicial review.
- In Chapter 6, Lewis states that “The main arena of controversy today is not the extent of Congressional power but the limitations placed by the Constitution on state governmental action.” This book was published in 1964. To what issues do you think he was referring? Do you think that the main issue with federalism still focuses on the same arena? What examples can you cite to support your answer?
- Why was the Bill of Rights viewed as limited to federal action?
- If you had to rank-order the Amendments to the Constitution, where on your list would you place the 14<sup>th</sup>? Why?
- What is the difference between Justice Cardozo’s *process of absorption* and Justice Black’s belief in *wholesale incorporation* i.e.: the 14<sup>th</sup> Amendment?

## Chapter 7 (15 pts. Silhouette)

This is a very short chapter—primarily about Gideon, his history, and the prison where he is living in Raiford, Florida.

**Your Task:** Using the silhouette provided, complete a brief biography of Gideon. Fill in the blank area with details about his background prior to the case, characteristics and traits he may have gained because of the case, etc. The majority of this should be written, however, an occasional picture can be used. The entire area should be filled. When completed, glue this into your notebook.

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## Chapter 8 (15 pts. Vocab; 6 pts. Questions; 10 pts. Discussion)

### Vocabulary

6<sup>th</sup> Amendment

Scottsboro Case

*Powell v. Alabama*

Justice George Sutherland

*Johnson v. Zerbst*

Justice Hugo Black

*Betts v. Brady*

English Common Law

*Hudson v. North Carolina*

Justice Potter Stewart

Equal-protection clause (14<sup>th</sup> Amendment)

*McNeal v. Culver*

*Carnley v. Cochran*

Justice Brennan

Justice William O. Douglas

### Questions to think about...

- In Chapter 8, we see the evolution of the thinking of Supreme Court about the right to counsel: Was the 6<sup>th</sup> Amendment restricted to certain federal cases? Was it always incorporated onto the 14<sup>th</sup> and therefore applicable to the states? Or was it applicable only when there were *special circumstances*?
- {I would suggest reading this chapter a few times- you can see significant history being made.}
- As you start to read Chapter 9, think about how much power these justices command. Are they charting the course of history, or are the people? Are they making policy? Is that their job?

## Chapter 9 (2 pts. Vocab; 8 pts. Questions; 10 pts. Discussion)

### Vocabulary

Law review

Court martial

### Questions to think about...

- Do you want to be a lawyer? Why or why not? {This chapter gives insight into what some lawyers do during the day.}
- How did Abe Fortas size up the Court as he considered his chances of winning the case?
- Do you think that Fortas was biased in his approach to the case?
- What arguments did Fortas make in his brief to the Court?

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## Chapter 10 (8 pts. Vocab; 8 pts. Questions; 10 pts. Discussion)

### ***Vocabulary***

Bruce Robert Jacob

Solicitor General

Justice Department

*Amicus curiae*

Walter F. Mondale

Thomas F. Eagleton

Edward J. McCormack

Gerald Berlin

### ***Questions to think about...***

- What is the role of the amicus curiae? What is its function (how can it help)?
- See the letter sent to the attorney generals of the other 49 states for a statement about the potential implications of the Gideon Cochran case.
- Why did the Mondale letter annoy Jacobs?
- What arguments did Jacob make in his brief to the Court?

## Chapter 11 (6 pts. Questions; 10 pts. Discussion)

### ***Questions to think about...***

- According to Lewis, why is the oral argument in front of the Supreme Court an important part of the decision making process?
- At one point in our history, the Supreme Court was more like that of the British, with lengthy oral arguments. Is the change to 30 minutes to an hour a good or bad thing?
- What is the importance of precedent (*stare decisis*)?

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## Chapter 12 (12 pts. Domino Effect- 1 pt./picture; 2 pts./sentence)

This section describes how Supreme Court opinions are written and published. It includes Justice Black's announcement of the Gideon opinion and judgment, as well as the additional concurring opinions of Justices Douglas, Clark, and Harlan.

**Your Task:** Using the Domino Effect template given, create a cause and effect of the Supreme Court opinions. Remember that these events must go in chronological order, but you can place the Supreme Court rulings in any of the four boxes. (This will be a general cause and effect- not necessarily reflective of Gideon's case, but that doesn't mean that you can't include it. Think about the effect rulings have, and how the Supreme Court gets to the point of making those rulings.) When this is completed, glue it into your notebook.

## Chapter 13 (4 pts. Questions; 10 pts. Discussion)

***"The Supreme Court had sounded a trumpet. The response had to come from society."***

It is in this chapter that the legislative branch and its responsibility for the legal milieu in the nation is addressed. "Congress had done nothing whatsoever to provide funds or establish any system of assuring counsel for the poor..." Clearly, justice relies on all three branches of government.

### ***Questions to think about...***

- What are the ***Allen Committee Proposals?***
- What needed to be done to convert "the ideal of *Gideon v. Wainwright* into reality?"

## Chapter 14 (2 pts. Questions; 10 pts. Discussion)

### ***Questions to think about...***

How does the Supreme Court and the legal system influence society?