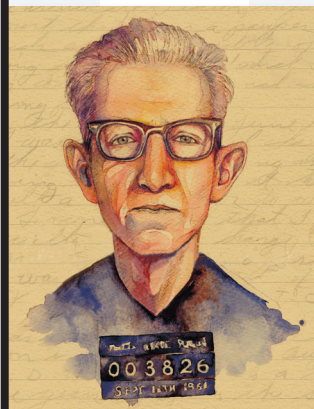




# You Have the Right to an Attorney

## The right to an attorney is found in the Sixth Amendment to the U.S. Constitution.

However, not until 1963 in the case of *Gideon v. Wainwright* did the Supreme Court make it clear that this right was for every criminal case, not just serious cases, and that everyone accused of a crime, even those who cannot afford to hire a lawyer, is entitled to an attorney.



In other cases, the Court has said that the right to an attorney means a right to an attorney who does a good job representing the accused person. The Court also has said that juvenile defendants are entitled to a lawyer.

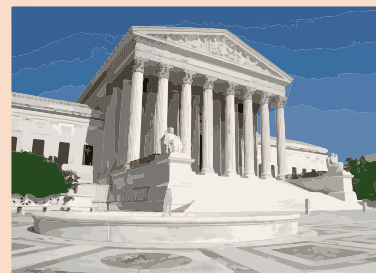
The right to a good attorney is important. A good attorney will make sure that the defendant has a fair trial. A good attorney will make sure that the police followed all the rules when they arrested the defendant or searched the defendant's home, car or belongings. This is important when a person's freedom is at stake.

In Missouri, lawyers who work for the Missouri Public Defenders System represent an accused person who cannot afford an attorney. They make sure that the defendants they represent get a fair trial.

## Betts v. Brady, 1942 Supreme Court

*Gideon v. Wainwright* reversed an earlier ruling by the Supreme Court. In a similar case, Smith Betts had been accused of stealing in Maryland and was denied his request for an attorney. His appeal, *Betts v. Brady*, went before the Supreme Court in 1942 but the Court ruled 6-3 against the appeal.

Supreme Court Justice Hugo Black wrote the dissenting (disagreeing) opinion for the case in 1942. He was on the Supreme Court in 1963 and got to write the *Gideon v. Wainwright* opinion for the unanimous decision for Clarence Gideon.



*"If an obscure Florida convict named Clarence Earl Gideon had not sat down in his prison cell ... to write a letter to the Supreme Court ... the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter, the Court did look into his case .... and the whole course of American legal history has been changed."*

—Robert F. Kennedy, U.S. Attorney General, 1963.

## Miranda Rights

The right to an attorney is included in a police officer's statement of rights he reads to a person who is being arrested. Miranda Rights were created in 1966 as a result of the Supreme Court case of *Miranda v. Arizona*.

The Miranda warning protects a person's Fifth Amendment right to remain silent and refuse to answer questions that might make him look guilty. This is important because when a person is charged with a

crime, the person does not have to prove he is innocent. It is the state's chore to prove the person is guilty. This is where the term "innocent until proven guilty" comes from.

### Learn More

For more about the *Gideon* case and the right to an attorney, visit [streetlaw.org/en/landmark/cases](http://streetlaw.org/en/landmark/cases) and [constitutionproject.org](http://constitutionproject.org).

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