

Betts v. Brady

Betts v. Brady

Supreme Court of the United States

Argued April 13-14, 1942

Decided June 1, 1942

Full case name *Betts v. Brady*

Citations 316 [U.S. 455](#) ([more](#))
62 S. Ct. 1252; 86 L. Ed. 1595; 1942 U.S. LEXIS 489

Prior history None

Subsequent history [Gideon v. Wainwright](#)

Holding

States do not have to assign free lawyers to poor people who are not charged with capital crimes.

Court membership

Chief Justice

[Harlan F. Stone](#)

Associate Justices

[Owen J. Roberts](#) • [Hugo Black](#)

[Stanley F. Reed](#) • [Felix Frankfurter](#)

[William O. Douglas](#) • [Frank Murphy](#)

[James F. Byrnes](#) • [Robert H. Jackson](#)

Case opinions

Majority Roberts, joined by Stone, Reed, Frankfurter, Byrnes, Jackson

Dissent Black, joined by Douglas, Murphy

Laws applied

[Sixth](#) and [Fourteenth Amendments](#)

Overruled by

[Gideon v. Wainwright](#) (1963)

Betts v. Brady, 316 [U.S. 455](#) (1942), was a [landmark case](#) decided by the [United States Supreme Court](#) in 1942. The case had to do with "indigent" ([poor](#)) people who were on [trial](#) for [crimes](#), but did not have enough money to pay for a [lawyer](#). The Court ruled that a person did not need a lawyer to get a fair trial. They also ruled that [the states](#) did not have to pay for free lawyers for poor [defendants](#).

In 1963, the Court reversed its decision in *Betts* when it decided [Gideon v. Wainwright](#), 372 [U.S. 335](#) (1963).

History

[\[change\]](#) | [\[change source\]](#)

The [Sixth Amendment to the United States Constitution](#) says that "In all criminal [trials], the accused shall ... have the assistance of counsel for his defence."^[1] ("Counsel" is another word for "lawyer.")

However, in the 1930s, the Supreme Court made a few decisions that decreased the number of United States citizens who had the [right](#) to a lawyer.

In 1932, the Court decided a case called [Powell v. Alabama](#), 287 [U.S. 45](#) (1932). They ruled that the states had to assign free lawyers to poor defendants, but *only* if they were being [tried](#) for capital crimes.^[2] (Capital crimes are crimes that can be [punished](#) with the [death penalty](#).)

Then, in 1938, the Supreme Court ruled in *Johnson v. Herbst* that in [federal courts](#), any person who was charged with a crime and could not pay for a lawyer had to be assigned a lawyer for free. However, the Court also ruled that the Sixth Amendment applied *only* to federal courts – not to state courts.^[3]

This meant that if a person was charged with a crime in a *state* court, and he could not afford a lawyer, he would have to defend himself in court.^[3]

Background of the case

[\[change\]](#) | [\[change source\]](#)

In 1941, Betts was [indicted](#) (formally charged) with [robbery](#) by a court in [Maryland](#). Betts could not pay for a lawyer. He asked the court to assign him a free lawyer. The judge refused. He said the court only [appointed](#) free lawyers to people charged with [rape](#) or [murder](#).^[4]

Betts had to defend himself, without the help of a lawyer. He argued that he had been in a different place at the time of the robbery. He called [witnesses](#) who said this was true. However, the [judge](#) did not believe Betts. He [sentenced](#) Betts to eight years in [prison](#).^[4]

Appeals

[\[change\]](#) | [\[change source\]](#)

Betts filed a [writ](#) of [habeas corpus](#) with a Maryland [appeals court](#). A writ of habeas corpus asks to be set free from unfair imprisonment. Betts argued that his imprisonment was unfair because he had not been given a lawyer. His petition was [denied](#).^[5]

Next Betts filed a [writ](#) of habeas corpus to the Court of Appeals of Maryland, the most powerful court in Maryland. It also denied his petition.^[5]

Finally, Betts filed a request with the Supreme Court of the United States, asking them to hear his case. The Court agreed.

Legal issues

[\[change\]](#) | [change source](#)

The *Betts* case brought up some important legal issues for the Court to decide.

The [Sixth Amendment to the United States Constitution](#) says that "In all criminal [trials], the accused shall ... have the assistance of counsel for his defence."^[6]

Also, the [Fourteenth Amendment](#) says that no state can take away any person's "life, [liberty](#), or [property](#), without [due process](#) of law; nor deny to any person ... the [equal protection](#) of the laws."^[7]

The Court had already decided that the right to have a lawyer applied to all people in federal criminal trials; people being tried by the states for rape or murder; and anyone who could pay for a lawyer. Now they needed to decide whether poor people had the right to have lawyers too, even if they could not pay for them.

“ [I]n the great [majority](#) of the States, it has been the considered [judgment](#) of the people, [their representatives](#), and their courts that [appointment](#) of counsel is not a [fundamental](#) right, [and is not] [essential](#) to a fair trial. ”

– Justice Roberts, giving the Court's [majority opinion](#) in *Betts*^[8]

They also needed to decide these questions:^[4]

- If a poor person did not have a lawyer, could they get a fair trial?
- Without a lawyer, would a poor person be getting the "due process" that the Constitution required?
- If poor people could not get lawyers, would they be getting the "equal protection of the laws?"

Decision

[\[change\]](#) | [change source](#)

On June 1, 1942, the Supreme Court voted 6–3 against Betts. They ruled that his conviction was fair.^[5]

The Court ruled that having a lawyer was not a basic right. Usually, a [defendant](#) did not need a lawyer to get a fair trial, the Court said.^[5]

In their decision, the Court did rule that there were special cases where a court should assign a lawyer.^[9] In these special cases, not having a lawyer would make it difficult for a defendant to get a fair trial. In each case, the judge was supposed to talk to the defendant to figure out whether any of these "special circumstances" existed. For example, was the defendant mentally able to defend himself? Did he have enough [education](#)? Did he understand [what happens during a trial](#)?^[9]

Importance

[\[change\]](#) | [change source](#)

For 21 years, *Betts* set a [precedent](#) that allowed individual courts and judges to decide whether poor people would be given lawyers or not.

Finally, in 1963, the Supreme Court decided a case called [Gideon v. Wainwright](#), 372 [U.S. 335](#) (1963). In the *Gideon* decision, the Court admitted that it made the wrong decision in *Betts*. A lawyer is needed for a fair trial.^[10]

Related pages

[\[change\]](#) | [change source](#)

- [Gideon v. Wainwright](#)
- [The Sixth](#) and [Fourteenth Amendments](#)

References

[\[change\]](#) | [change source](#)

1. ↑ ["The Constitution of the United States: A Transcription"](#). *The Charters of Freedom*. Washington, D.C.: United States National Archives and Records Administration. 30 October 2015. Retrieved March 13, 2016.
2. ↑ *Powell v. Alabama*, 287 [U.S. 45](#) (1932).
3. ↑ [3.0 3.1](#) *Johnson v. Herbst*, 304 [U.S. 458](#) (1938).
4. ↑ [4.0 4.1 4.2](#) ["Betts v. Brady, 1942"](#). *Textbook Resources: Supreme Court Cases*. Pearson Prentice Hall. Retrieved March 29, 2016.
5. ↑ [5.0 5.1 5.2 5.3](#) *Betts v. Brady*, 316 [U.S. 455](#) (1942).
6. ↑ ["The Constitution of the United States: A Transcription"](#). *The Charters of Freedom*. Washington, D.C.: United States National Archives and Records Administration. 30 October 2015. Retrieved March 29, 2016.

7. [↑] ["Constitution of the United States: Amendments 11-27"](#). *Charters of Freedom*. United States National Archives and Records Administration. 30 October 2015. Retrieved March 27, 2016.
8. [↑] *Betts v. Brady*, 316 [U.S. 455](#) (1942) at 471.
9. [↑] [9.0 9.1](#) Jacob, Bruce R. ["The Gideon Trials"](#) (PDF). *Iowa Law Review*. **99**: 2059–2101. Archived from [the original](#) (PDF) on April 5, 2016. Retrieved March 29, 2016.
10. [↑] *Gideon v. Wainwright*, 372 [U.S. 335](#) (1963).

Retrieved from "https://simple.wikipedia.org/w/index.php?title=Betts_v._Brady&oldid=9835969"