



Chasing Gideon: The Elusive Quest for Poor People's Justice

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On March 18, 1963, the U.S. Supreme Court unanimously ruled in *Gideon v. Wainwright* that all defendants charged with a crime punishable by imprisonment of more than a year have the constitutional right to free legal counsel if they cannot afford their own. In the fifty years since the ruling, including the years of the national War on Drugs, the number of prosecutions in America's courts has skyrocketed, now totaling approximately 13 million each year. Today, an estimated 80 percent of defendants are served by indigent defense.

Chasing Gideon by veteran reporter Karen Houppert examines the legacy of this landmark decision, chronicling the cases of defendants across the country who have relied on *Gideon's* promise. Houppert's investigation takes her from Washington state, where overextended public defenders juggle impossible caseloads; and New Orleans, where systemic flaws are so pervasive at every level of the criminal justice apparatus that it occasionally nears collapse; to Georgia, where an underfunded capital defense program jeopardizes the efficacy of counsel in death penalty cases; and Florida, where revisiting the original *Gideon* lawsuit challenges basic assumptions about the right to legal counsel for the poor. These compelling narratives illuminate reform efforts as well as the critical problems that plague indigent defense in the United States, helping us to understand how and why it is failing, and what can be done to better fulfill *Gideon's* promise.

A half-century after Anthony Lewis' award-winning *Gideon's Trumpet* chronicled the story of the court case that changed the American justice system, *Chasing Gideon* picks up where Lewis's book left off, bringing renewed attention to an essential aspect of our criminal justice system and offering keen insight into how we might save it.

Chasing Gideon: The Elusive Quest for Poor People's Justice Details

Date : Published March 19th 2013 by The New Press (first published January 1st 2013)

ISBN : 9781595588692

Author : Karen Houppert

Format : Hardcover 274 pages

Genre : Law, Nonfiction, History, Social Movements, Social Justice, Politics, Historical

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ambimb says

I'd love it if everyone would read this book about the state of indigent defense in the U.S., but I know few will read it for the same reason it needs to be read: very few people care. Lucky for all of us, most public defenders DO care, as this book makes clear. And while I wish the book was a little more punchy and had been edited a bit better to reduce some of the repetitive bits about Gideon, one thing this book makes very clear is that public defenders, by and large, work their asses off and care deeply about their clients and about justice. It's worth reading for that alone.

But it's also worth reading for the reminder of why this matters, for the history of how things came to be the way they are today, and for the powerful stories of specific cases within each chapter. No matter how much you think you know about this subject, you're going to learn something from this book. For example, did you know that Clarence Earl Gideon had a cellmate in prison who was an attorney and who very likely drafted (or dictated) Gideon's fabled appeal to the SCOTUS? I had no idea, but I love the story because it shows just how important counsel is in a criminal case. If Gideon hadn't had counsel to help him complain about the fact that he didn't have counsel, no one would have counsel today!

The history is good, but better still are the contemporary stories that show how our criminal justice system works for poor people today...

Pauline says

Hooboy. This was a chilling read on the state of indigent defense in the U.S. fifty years after Gideon v. Wainwright. Clearly written for even a clueless layperson, Houppert does a deep dive on a handful of cases and the circumstances that created the systems around them (including a look at New Orleans before/after Katrina), and highlights how corruption and changes in criminal law since Gideon have undermined the promise of rigorous defense for the poor. Houppert offers no easy solutions to the grievous situations she presents; rather, her purpose is awareness and empathy. I'll be thinking about this for a long while yet, for sure.

Would highly recommend. It's not going to be fun or easy to read like a nice fantasy, but nothing important ever is.

Cristina says

I had to read this book for my English class. I am so glad I did, I knew absolutely nothing about Gideon's case and how it affects Public Defenders today, It is an amazing book showing us our "justice" system and it's flaws. I am still astounded by funding and the real side to a Public attorney's profession, as well as a few cases. I definitely recommend this book!

Ben says

An eye-opening and largely depressing look at the state of legal counsel for indigent criminal defendants in the roughly 50 years since the Supreme Court case that established the right to have an attorney--Gideon v. Wainwright. Some of what's presented is what you'd expect--public defenders lack resources, are overscheduled, and often struggle to properly prepare for trials, and jury selection is rigged away from being a true "jury of peers" for African American defendants. But seeing it all presented with a human face and real cases just sends the message so effectively.

Of the two case studies, two are grimmer. One, which takes place in New Orleans, which details just how messed up Louisiana jurisprudence is (the guy served nearly 30 years for a crime he didn't commit because his lawyer basically never challenged any assertions by the prosecution, the cops withheld necessary documents, and icky things like prosecutors who turned judges then denying appeals. And while things have improved, budget cuts still result in poorer people spending months in jail while they wait for counsel.

The other one in Georgia presents an interesting picture of how hard it can be to not just defend the innocent, but also protect the guilty from the death penalty, as it details the trial of a man with some degree of mental disabilities.

Perhaps the scariest thing is an afterword that details more recent Supreme Court cases, which established rights you'd think would have been inherent in Gideon--such as the right to counsel at a plea deal. Given this and all the troubles with budget and effective counsel, plus new mandatory minimums, it's pretty clear that getting true and fair justice for lower-income defendants is largely a joke.

Alan Mills says

2013 is the 50th Anniversary of the landmark Supreme Court decision in Gideon which, along with its progeny, requires that every criminal defendant who faces the possibility of jail must be given an effective lawyer at EVERY step of the process, from bail, through the first appeal. However, in most states today, that Supreme Court order is honored mostly in the breach. Public defenders are vastly over worked, under compensated, and given almost no support.

Houppert sets out to examine the current state of criminal defense first by revisiting Gideon itself, and the back story behind the case (it turns out Gideon probably had the help of a lawyer when filing his handwritten pro se petition to the Supreme Court). She then goes on to examine individual cases in Washington State, Louisiana, and Georgia, to see how the right to counsel plays out in the trial courts of each state. She demonstrates both how important a lawyer is and how overburdened those lawyers are.

The cases represent a good cross section: a vehicular manslaughter, a trespassing/burglary case, and two murders--one a wrongful conviction, the other a mentally retarded man facing the death penalty.

Superb storytelling--masterfully interweaving facts and figures into these case studies to present a damning picture of criminal defense today.

David says

very important issue [adequacy of representation for poor people given crushing workloads for public defenders] and some interesting history esp. the Gideon case that got Supreme Court to codify the right to counsel even if you can't afford one.

not her fault really, but the book was longer than my interest in the details. By coincidence, I happened to see a short newspaper article on this same general issue [not the history or the jurisprudence, but the current problem] while I was reading this book, and it was perfect -- summed up the problem without walking me thru one after another example of how justice is ill-served when the have-not's can't get a lawyer who has the time to mount a thorough defense.

In sum, 4 or 5 star book if you think you'd like going over case examples in detail, 3 if you care about the issue but not the examples as much.

Kressel Housman says

2013 was the fiftieth anniversary of the landmark Supreme Court case *Gideon v. Wainright*, which determined that attorney representation in criminal cases is a Constitutional right. (For details, see my review of *Gideon's Trumpet*.) This book examines how the country has been delivering on that decision for these fifty years, and unfortunately, the answer is: very poorly. Following a few specific cases of terrible miscarriages of justice, Karen Houppert paints a human picture of indigent defendants and their attorneys. Public defenders are so overworked and underfunded that they cannot possibly represent their clients adequately, and when appeals get filed on those grounds, it ends up costing the justice system even more. It's a terrible catch-22 because there is hardly any political will to fund indigent defense in the first place. But failure to do so is a danger to safety and democracy.

In spite of all that, the book is still a call to action. Anyone interested in a career in law should definitely read it, and really, its message is relevant to all Americans. I, for one, will be checking out the book's website to see what I can do next. And I hope that by publicizing the book with this review, I've also made one small step toward public justice.

Laura says

I picked this book up a wee bit narcissistically. A case I worked on, *State v. A.N.J.* is prominently featured. In that case, a 12 year old boy pled guilty to sexual molestation after playing a game of "Icky-Poke U" with a young girl. He pled guilty on advice of counsel, the appointed public defender who had accepted a flat fee to represent just about anyone Grant County sent his way, meaning the faster he dealt with each case, the better his hourly rate was. He pled not meaningfully understanding what he was pleading too or what the consequences would be. My old boss blogged about it. <http://tomchambers.com/chasing-justice/>. My court allowed him to withdraw his plea, which required a pretty searching look into the equities of the case and the state of the law.

Grant County was a bad place to be charged with a crime, at least back then, and at least when you couldn't afford private defense counsel. To save money, Grant County had no public defender; it bid out contracts to attorneys, many of which were phoning it in. Many of those attorneys have since been disbarred. I staffed some of those cases. I thought it was an aberration.

It worked out for A.N.J. He got good lawyers, Garth Dano, George Ahrend, and John Strait, who did good. There are lots of good lawyers out there eager to hold the State to it's proof; to make it justify the use of force over an individual; and to do it for paltry wages.

But the courtroom is no place for lone wolves. Public defenders are among my favorite people. But systemic underfunding of the system means that many people don't get an adequate defense before the full force of the State comes down upon them. This is a book about how the promise of Gideon has not been met in oh so many places. Including my own. I have guilt about my complicity in, and profit from, this system.

(And pride that I know many awesome public defenders and ethical prosecutors, judges, and legislators, including a former extern who stepped up after Katrina).

It also suggests that Gideon's habeas was ghost written by an attorney, Joseph A. Peel, Jr., who was in prison with him. If so, it adds a certain texture to the story. Gideon wasn't Henry Fonda. He was a man who was lucky in his cellmates.

From systemic underfunding to the subtle ways juries are made lily white, this book is a gentle but devastating critique of our justice system for the poor. A hard book to read. Definitely worth the time.

Meepspeeps says

This book is about the haves and the have nots when it comes to criminal defense in the USA. She tells the stories of overworked, underfunded public defenders and their clients, who miss out on their constitutional right to effective counsel. She assesses the lack of progress in the 50 years since the Supreme Court ruled in Gideon, but does not offer a solution. It's clear again (similar to my reaction to *The New Jim Crow* by Michelle Alexander) that the failure of the War on Drugs contributes heavily to this problem by flooding the public defenders with small-time crimes. So often jail time is the answer when diversion, rehab, or school is the better solution. I started thinking about formulae related to police expenditure and prosecution (i.e. you have to spend X on public defense if you're spending Y on police and the prosecutor's office.) I recommend it to peeps who seek a more just society, but after reading it there's homework to find out what's happening in your own community.

Margaret Sankey says

Houppert follows the case of *Gideon v. Wainwright*, establishing right to counsel, through its wildly uneven implementation in states where private prisons offer no incentive for funding good defense lawyers, complicated expert witness testimony and medical advice can mean the difference between life and death, and where caseloads are crushing.

Ernesto Sanz says

A rather weak book that approaches a very complex issue with a simple lens. This book is rife with false analogies, mistaking correlation with causation, perpetuation of myths and all around unsound logic. Furthermore, the book brings issues to the forefront without ever really addressing solutions for these issues.

It would be like me going to a doctor and the doctor telling me I have a broken arm, and then walking out of the room. I am left none the better in my situation. Similarly, the book adds nothing new to the dialog.

I would have given the book a 1 star but it does have some redeeming qualities in that it shines a biased light on some individuals who were treated rather rashly and in some cases were deprived of constitutional liberties.

Fraser Sherman says

Fifty years ago in Gideon vs. Wainwright, the Supreme Court ruled that defendants in criminal cases have to be provided with a lawyer if they can't afford one. Houppert looks at cases from Washington state, Florida (where Gideon was originally tried), Georgia and Louisiana to show that in practice the right to attorney can mean waiting months for one to become available, getting horrendously incompetent counsel or dealing with someone who has three dozen other cases to work on at the same time. Houppert blames a lot of this on the war on drugs leading to so many more people getting arrest, though corruption and greed play a factor too. Nothing terribly new to me, but reading the details is certainly sobering

Marnie Lansdown says

Really, really important topic. The book provides a lot of information about the indigent defense system in this country by giving real, personal examples. If you think you could never be accused of--and convicted of--a crime you didn't commit, think again. I can't say I enjoyed this book, but it did really like reading it, and I learned a lot.

John says

Public defense is not currently funded on equal levels with prosecution- that creates huge problems. When the convicted of a defendant is challenged on the basis of inadequate representation, the very legitimacy of the conviction itself is call into question. The criminal justice system in New Orleans- indeed, the nation- seems similarly poised between plot twist, an ending that could go either way.

Meredith says

A wonderful book! It is a tough read through parts but she does a great job explaining how the current system works and where it is lacking. The personal stories she mixes in to illustrate a point really drive it home. After reading it makes me want to get involved all over again. If you have a small interest in this area I highly recommend reading this book.

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