

Title: Powell v. Alabama 287 U.S. 45 (1932)

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## ***POWELL v. ALABAMA 287 U.S. 45 (1932)***

*Powell* was the famous "Scottsboro boys" case in which "young, ignorant, illiterate blacks were convicted and sentenced to death without the effective appointment of counsel to aid them. The trials were in a hostile community, far from the defendants' homes; the accusation was rape of two white women, a crime "regarded with especial horror in the community."

In an early major use of the DUE PROCESS clause to regulate the administration of criminal justice by the states, the Supreme Court held that the trials were fundamentally unfair. The facts of the case made this portentous holding an easy one: the defendants were tried in one day, the defense was entirely pro forma, and the death sentence was immediately imposed on all seven defendants without regard to individual culpability or circumstance. *Powell* was not a Sixth Amendment RIGHT TO COUNSEL case; three decades would pass before that guarantee was imported into due process in GIDEON V. WAINWRIGHT (1963). But the language of the Court in expounding the importance of counsel to a fair trial was repeatedly quoted as the Sixth Amendment right developed: "[the layman] lacks both the skill and knowledge adequately to prepare his defense, even though he has a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence."

Although *Powell* is usually cited as a case in which defendants had no counsel at all, there was actually a lawyer at their side, but he came late into the case and was unfamiliar with Alabama law. In discussing the failure of due process, the Court referred to the lack of investigation and consultation by this last-minute volunteer. Thus, *Powell* has implications for the developing doctrine of ineffective assistance of counsel.

BARBARA ALLEN BABCOCK (1986)

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