

It was my favorite time of the year. My family was finally in the same place all at once. The smells of Christmas dinner and the chatter of relatives filled my grandparents house. I snuck a spoonful of cranberry fluff (ambrosia) from the fridge, and grabbed my book to read with my cousins by the fire. It was the perfect night spent with the people I loved.

I looked out the window to the setting sun and watched my cousins play baseball outside. Ball. Ball. Strike. I watched as the scene went from a fair game of baseball, to an argument about the calls. Then, the younger of the two pushed the older with both of his hands, knocking him to the floor. Of course, he got up and flung himself at his attacker. I knew that this wouldn't end well. The next thing I know the backyard door was flung open. Red in the face, my sobbing little cousin stood in the doorway. His mother stepped away from stirring her pot on the stove and made her way towards her son. "He hit me," he cried to her, pointing at his brother. My aunt dabbed the corners of his eyes on her t-shirt and glared at the accused. She raised her voice and asked the two boys what happened. Naturally, my cousins started to argue over the issue and the crying grew. My grandparents' house quickly filled with screaming from my wrongfully accused cousin and his parents. My aunt and uncle believed that it was entirely his fault, despite his attempts to explain his brother had started it. They would have none of it. So, to sufficiently punish him on Christmas dinner, they locked him in the bathroom. The younger one was let loose without any consequences.

I resented my aunt and uncle for not turning the issue into a learning experience, and instead furthering my cousin's anger. My parents were upset about the way my aunt and uncle were treating their children and my grandparents, ever afraid of conflict, just went silent. I remember grabbing crayons and a coloring book for my cousin. I didn't want him to have to be alone in the bathroom with nothing to do. I questioned why the punishment had to be so harsh

and why no one would stand up for him. The coloring book was my silent rebellion, my only ability to take a stand, but I missed him the rest of the night. I will never forget feeling so helpless. I felt small, and I knew my cousin felt even smaller. The injustice of it all still sits with me.

From a young age I've observed children being marginalized by the adults in their life. I saw this in my everyday life; at school, when a classmate was forced to stay in for recess, playing softball, when an anxious girl was benched for missing a play, and, most notably, a parent punishing their child without giving them a chance to explain. And while these things are seemingly normal and socially acceptable, it begs the questions: How can we better navigate this power dynamic while ensuring fairness? How can we represent the interests of those less empowered in our society, in our families, or our classrooms?

I'm sure we've all heard and rejected the saying, "Children should be seen and not heard." Instead, I think that it needs to be looked at from a different perspective. Society has progressed and allowed children to be seen and heard, but not quite to the same extent as adults. I've witnessed this first hand.

As I've grown older and matured, I've seen this recurring fight for representation. Like my cousin, oppressed by his youth, members of our collective society find themselves on the margins, often for circumstances outside their control. They are not seen as worthy or important enough to be heard as loud as others. If only my grandparents, or my other aunts and uncles or even smaller me had said something. Anything to point out the fact that my cousins weren't honest and one had been wrongfully punished. To stand up for my cousin, who was unable to stand up for himself.

It is critical in this country to have someone willing to stand up for you, especially if you are wrongfully accused. Imagine being in a place where you are seen as less than, merely a nuisance to be dealt with, and are blamed for something you didn't do. Imagine having people around you who you love and depend on not speak up for you. How small and hopeless you'd feel. Every day, innocent people find themselves accused of ill behavior, whether in their own family room, or in courtrooms across America. Thankfully, unlike at the dinner table at my grandparents house, our Constitution guarantees the right to representation in the sixth amendment right to legal representation.

In 1942, a man named Smith Betts was indicted for robbery. As an unemployed farmhand, he couldn't afford an attorney, and his working status did not help his credibility. Consequently, Betts requested legal counsel, which was shot down by the judge, leaving him with no choice but to represent himself in court. While he pleaded not guilty, he was convicted of the crime and decided to appeal to the Supreme Court. Betts argued that he was unconstitutionally refused his right to counsel, and that he was wrongfully accused but could not prove it on his own. The Court ruled that indigent persons will only be assigned a lawyer under special circumstances now known as the decision in *Betts v. Brady*. Betts was denied an advocate which greatly contradicts the sixth amendment and showcases the discriminatory injustice that people who couldn't afford a lawyer faced during this time.

Twenty years later this decision was overruled largely because of a determined man named Clarence Gideon. Gideon was in a very similar situation where he was incorrectly accused of a crime and couldn't afford counsel. Like Betts, Gideon was also convicted and set on appealing to the Supreme court. Gideon successfully studied and argued his way through court, ultimately achieving a unanimous decision by the Supreme Court. They ruled that the sixth

amendment right to counsel extends to the state through the 14th amendment's reassurance of citizens rights. Gideon was then granted a new trial and provided with a lawyer where his charges were dropped and he was able to resume life. If not for the ruling by the Supreme Court, Gideon would have spent five years in prison for a crime he was mistakenly tried for. This decision, known as Gideon v. Wainwright, set an immensely critical precedent used nationwide: The right to counsel through the sixth amendment guaranteed for criminal defendants. This newly set precedent changed the outlook on lives across America. It serves as a powerful demonstration of why having an advocate, or in this case an attorney, is essential.

Here in 2025, injustice persists. It exists right in front of us, both on the news and in the family room. The solution is not a law passed by Congress requiring that we stand up to bullying or that parents must treat their children fairly. Instead we must make a crucial shift in our society. We must learn to be more empathetic and recognize each other as equals. We must advocate for the people who cannot advocate for themselves. To achieve an equitable nation we must stand together. Ultimately, for me, the real promise of America is a place where no one ever has to stand alone.

Bibliography:

Oyez. (2019). *Betts v. Brady*. Oyez. <https://www.oyez.org/cases/1940-1955/316us455>

National Archives. (2024). *14th Amendment to the U.S. Constitution: Civil Rights (1868)*.

National Archives. <https://www.archives.gov/milestone-documents/14th-amendment>