

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Bach v. United States

31 F.2d 423 (3d Cir. 1929) · Decided March 5, 1929

SUMMARY

The court affirmed the convictions of four defendants for unlawfully manufacturing alcohol under the National Prohibition Act. It held that the evidence was sufficient to submit the participation of Sigal and Love to the jury and that, under the circumstances, Bach’s claimed lack of knowledge did not justify his conduct or require acquittal.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Woolley; Buffington; Davis
JURISDICTION	Federal
DECIDED	March 5, 1929
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendants were convicted by a jury under one count charging manufacture of intoxicating liquor in violation of the National Prohibition Act. After sentencing, they appealed, challenging the sufficiency of the evidence and a jury instruction concerning scienter.
STANDARD OF REVIEW	The court reviewed whether the evidence was sufficient to submit the case to the jury and sustain the convictions, and whether the challenged jury instruction constituted prejudicial error.
PRECEDENTIAL VALUE	Published federal appellate opinion
PARTIES	Bach, Sigal, Love, Signoreilli v. United States

TOPICS

- criminal procedure
- evidence
- statutory interpretation
- mens rea

PRACTICE AREAS

- Federal criminal law
- Criminal procedure
- Evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to sustain Sigal's and Love's convictions for manufacturing intoxicating liquor.
2. Whether the jury was properly instructed that manufacturing liquor includes persons who operate, direct, supervise, or attend to the business of machinery-based manufacture, not merely persons who manually produce the liquor.
3. Whether scienter is necessarily an element of every offense under the National Prohibition Act and whether the challenged instruction improperly eliminated a potentially valid lack-of-knowledge defense for Bach.
4. Whether Bach's evidence of alleged ignorance and reliance on the plant manager was sufficient to require submission of his defense to the jury or invalidate his conviction.

HOLDINGS

1. The evidence that Sigal and Love had been seen working in different parts of the plant and had admitted working there, together with the other evidence, was sufficient to require submission of their guilt to the jury and to sustain their convictions.
2. In a mechanized distilling operation, manufacturing liquor is not limited to manual production; a person who works with the machinery, directs its operation, supervises the operatives, or attends to the business side of the operation may be engaged in manufacturing liquor.
3. The court declined to hold that scienter is never an element of an offense under the National Prohibition Act or that employee ignorance can never constitute a defense. On the facts presented, however, Bach's claimed ignorance and reliance on the manager's assurances did not provide sufficient justification or protection for his conduct, and the challenged instruction did not warrant reversal.

KEY QUOTATIONS

“Alcohol was not manufactured at this plant by hand; it was manufactured by machinery elaborately organized and any one working with the machinery, directing its operation, superintending the operatives or attending to the business end of the adventure was engaged in the manufacture of alcohol equally with those manually engaged in turning out the product.” (424)

“It will not do for one, seeking to avoid responsibility for prohibited conduct, merely to display ignorance or present a blank mind. He must show something more than stupidity, that is, something which in the circumstances would justify his behavior and is substantial enough to submit to the jury.” (424)

FACTUAL BACKGROUND

A large, fully equipped distilling plant operated for approximately three weeks without a permit in a Lancaster, Pennsylvania, building publicly held out as the Miller Syrup Company. Prohibition agents found the defendants at the plant and arrested them. Sigal and Love denied being connected with the operation, although testimony indicated that they had worked in different parts of the plant and had admitted working there; Signoreilli and Bach were shown to have worked in the manufacture of alcohol. Bach testified that he believed the operation was legitimate because a manager told him it was a legitimate business and instructed him not to worry.

PROCEDURAL HISTORY

Federal prohibition agents entered an illicit distilling plant and arrested the defendants. The defendants were tried and convicted of the substantive offense of manufacturing intoxicating liquor, rather than conspiracy. The trial court denied directed-verdict motions and entered judgment; the Third Circuit affirmed.

DISPOSITION

affirmed