

SUPREME COURT OF THE UNITED STATES

United States v. Saylor

322 U.S. 385 (1944) · No. Nos. 716, 717 · Decided May 29, 1944

SUMMARY

The Supreme Court held that a conspiracy by election officers to stuff a ballot box in a federal congressional election was prosecutable under § 19 of the Criminal Code, which protected voters' rights to cast their ballots and have them honestly counted. The Court distinguished *United States v. Bathgate* and followed *United States v. Mosley*, reversing the district court's judgments sustaining demurrers to the indictments. Justice Douglas, joined by Justices Black and Reed, dissented, reasoning that expansion of federal control over election fraud should be left to Congress.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Roberts; Justice Douglas; Justice Black; Justice Reed
JURISDICTION	Federal
DECIDED	May 29, 1944
DOCKET	Nos. 716, 717
DISPOSITION	reversed
PROCEDURAL POSTURE	The United States appealed under the Criminal Appeals Act from judgments sustaining demurrers to indictments charging conspiracies by election officers to stuff a ballot box in a congressional election.
STANDARD OF REVIEW	The Court reviewed the legal sufficiency of the indictments and the district court's ruling on the demurrers.
PRECEDENTIAL VALUE	Published Supreme Court opinion; binding precedent.
PARTIES	United States v. Saylor et al., Poer et al.

TOPICS

- election law
- election administration
- voting rights
- statutory interpretation
- federalism

PRACTICE AREAS

- election law
- criminal law
- civil rights
- statutory interpretation

QUESTIONS PRESENTED

1. Whether § 19 of the Criminal Code, 18 U.S.C. § 51, encompasses a conspiracy by election officers to stuff a ballot box in an election for a member of Congress.
2. Whether the alleged ballot stuffing constituted an infringement of voters' federally protected right to have their votes honestly counted.

HOLDINGS

1. Section 19 encompasses a conspiracy by election officers to prepare and cast fictitious ballots and thereby falsify the count of votes lawfully cast in an election for a member of Congress.

KEY QUOTATIONS

“We regard it as equally unquestionable that the right to have one’s vote counted is as open to protection by Congress as the right to put a ballot in a box.” (388)

“For election officers knowingly to prepare false ballots, place them in the box, and return them, is certainly to prevent an honest count by the return board of the votes lawfully cast.” (389)

FACTUAL BACKGROUND

The indictments alleged that defendants serving as election officers in a November 3, 1942, Harlan County, Kentucky, election for United States Senator conspired to deprive qualified voters of the full value and effect of their votes. The defendants allegedly removed blank ballots from official ballot books, marked and forged them for a particular candidate, inserted them into the ballot box, and included them in the election returns. The alleged conduct was intended to create a false and fictitious return concerning the legally cast votes.

PROCEDURAL HISTORY

The federal district court sustained demurrers on the ground that the indictments charged no offense against the laws of the United States. The Supreme Court reviewed that ruling under the Criminal Appeals Act and reversed.

DISPOSITION

reversed

CASES CITED

- United States v. Mosley, 238 U.S. 383 (1915)
- Ex parte Yarbrough, 110 U.S. 651 (1884)
- United States v. Classic, 313 U.S. 299 (1941)
- United States v. Bathgate, 246 U.S. 220 (1918)
- United States v. Gradwell, 243 U.S. 476 (1917)
- Ex parte Roberts, 244 U.S. 650 (1917)
- Hague v. C.I.O., 307 U.S. 496 (1939)

- Commonwealth v. Anderson, 151 Ky. 537, 152 S.W. 552 (1913)
- Tackett v. Commonwealth, 285 Ky. 83, 146 S.W.2d 937 (1941)
- Jerome v. United States, 318 U.S. 101 (1943)

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