

Badders Vs. United States

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Court : US Supreme Court

Decided On : Mar-06-1916

Appeal No. : 240 U.S. 391

Appellant : Badders

Respondent : United States

Judgement :

Badders v. United States - 240 U.S. 391 (1916)

U.S. Supreme Court Badders v. United States, 240 U.S. 391 (1916)

Badders v. United States

No. 521

Argued February 23, 24, 1916

Decided March 6, 1916

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ERROR TO THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF KANSAS

SYLLABUS

Congress has power to regulate the overt act of putting a letter into the post office of the United States, and may prohibit, under penalty, such an act when done in furtherance of a scheme which it regards as contrary to public policy, whether it can forbid the scheme or not, and so *held* as to Criminal Code 215.

Intent may make criminal an act, otherwise innocent, if it is a step in a plot.

Congress may enact that each putting of a letter in a post office is a separate offense.

The punishment imposed in this case on each of five counts, of five years, the periods being concurrent and not cumulative, and a fine of \$1,000 on each of seven counts, *held* not to be cruel and unusual within the prohibition of the federal Constitution.

This Court condemns the extravagant and unnecessary multiplication of exceptions and assignments of error.

The facts, which involve the construction and constitutionality of 215, Criminal Code, and the validity of a conviction and sentence thereunder, are stated in the opinion.

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MR. JUSTICE HOLMES delivered the opinion of the Court.

The case is brought to this court from the district court under 238 of the Judicial Code, Act of March 3, 1911, c. 231, 36 Stat. 1087, on the ground that it involves the construction and application of the Constitution of the United States. The plaintiff in error was indicted for placing letters in the mail for the purpose of executing a scheme to defraud devised by him, in violation of 215 of the Criminal Code, Act of March 4, 1909, c. 321, 35 Stat. 1088. There were twelve counts, on seven of which, each relating to a different letter, he was found guilty. He was

sentenced to five years' imprisonment on each count, the periods being concurrent, not cumulative, and also to a fine of \$1,000 on each or \$7,000 in all. The grounds for coming to this Court are first that 215 of the Criminal Code is beyond the power of Congress, as applied to what may be a mere incident of a fraudulent scheme that itself is outside the jurisdiction of Congress to deal with, and second, that, if it makes the deposit of each letter a separate offense, subject to such punishment as it received in this case, it imposes cruel and unusual punishment and excessive fines.

These contentions need no extended answer. The overt act of putting a letter into the post office of the United States is a matter that Congress may regulate. *Ex Parte Jackson*, [96 U. S. 727](#) . Whatever the limits to the power, it may forbid any such acts done in furtherance of a scheme that it regards as contrary to public policy, whether it can forbid the scheme or not. *In re Rapier*,

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[143 U. S. 110](#) , [143 U. S. 134](#) ; *Public Clearing House v. Coyne*, [194 U. S. 497](#) , [194 U. S. 507](#) ; *United States v. Stever*, [222 U. S. 167](#) , [222 U. S. 173](#) . See *Lottery Case (Champion v. Ames)*, [188 U. S. 321](#) , [188 U. S. 357](#) ; *United States v. Holte*, [236 U. S. 140](#) , [236 U. S. 144](#) . Intent may make an otherwise innocent act criminal if it is a step in a plot. *Aikens v. Wisconsin*, [195 U. S. 194](#) , [195 U. S. 206](#) ; *Swift & Co. v. United States*, [196 U. S. 375](#) , [196 U. S. 396](#) . The acts alleged have been found to have been done for the purpose of executing the scheme, and there would be no ground for contending, if it were argued, that they were too remotely connected with the scheme for the law to deal with them. The whole matter is disposed of by *United States v. Young*, [232 U. S. 155](#) , [232 U. S. 161](#) . As to the other point, there is no doubt that the law may make each putting of a letter into the post office a separate offense. *Ebeling v. Morgan*, [237 U. S. 625](#) ; *In re Henry*, [123 U. S. 372](#) , [123 U. S. 374](#) . And there is no ground for declaring the punishment unconstitutional. *Howard v. Fleming*, [191 U. S. 126](#) , [191 U. S. 135](#) ; *Ebeling v. Morgan, supra*.

The other matters discussed are before us only as incident to the constitutional questions upon which the case was brought here. As those questions merely attempt to reopen well established and familiar law, it is not necessary to go beyond them. *Brolan v. United States*, [236 U. S. 216](#) , [236 U. S. 222](#) . There is the more reason for declining further consideration in the extravagant and unnecessary multiplication of exceptions and assignments of error that often has been condemned by this court. *Central Vermont Ry. Co. v. White*, [238 U. S. 507](#) , [238 U. S. 509](#) . If there were anything in the objections to the indictment, they are not of a kind to involve constitutional rights, *Lamar v. United States*, [240 U. S. 60](#) , although the argument attempts to give a constitutional turn to them and to other technical complaints, such as that the judge was absent during a part of the deliberations of the grand jury. We find no error in this or the other particulars mentioned in argument.

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Jones v. United States, 162 F. 417, 421, s.c. 212 U.S. 576; *Commonwealth v. Bannon*, 97 Mass. 214, 220. See *Breese v. United States*, [226 U. S. 1](#) , [226 U. S. 11](#) . As to the arraignment, see *Garland v. Washington*, [232 U. S. 642](#) , [232 U. S. 646](#) -647. We deem it unnecessary to go into further detail.

Judgment affirmed.

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