

Kramer Vs. United States

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Court : US Supreme Court

Decided On : Jan-14-1918

Appeal No. : 245 U.S. 478

Appellant : Kramer

Respondent : United States

Judgement :

Kramer v. United States - 245 U.S. 478 (1918)

U.S. Supreme Court Kramer v. United States, 245 U.S. 478 (1918)

Kramer v. United States

No. 680

Argued December 13, 14, 1917

Decided January 14, 1918

245 U.S. 478

ERROR TO THE DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK

SYLLABUS

After an examination of the entire record, the Court finds no merit in the contention that the case should have been withheld from the jury for want of evidence tending to show the accused guilty of the crime charged -- a conspiracy (with overt acts) to violate the Selective Draft Law, by dissuading persons from registering.

As to other questions, the case is indistinguishable from *Goldman v. United States*, ante, [245 U. S. 474](#) , and is decided on the authority of that case and the Selective Draft Law cases, ante, [245 U. S. 366](#) .

Affirmed.

The case is stated in the opinion.

MR. CHIEF JUSTICE WHITE delivered the opinion of the Court.

In this case, as in No. 702, *Goldman v. United States*, ante, [245 U. S. 474](#) , because of constitutional questions, the case was brought here by direct writ of error, with the object of reviewing

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and reversing a conviction and sentence under an indictment charging an unlawful conspiracy to induce persons whose duty it was to register under the Selective Draft Law not to perform that duty and alleging overt acts done for the purpose of carrying out the illegal conspiracy. The defenses were substantially the same as those urged in the previous case, and the assignments of error made at the time of the allowance of the writs were identical. In fact, at bar, the propositions and arguments relied upon in the previous case were stated to be controlling in this. But, therefore, for the fact that there was different evidence in the two cases, the considerations which control the one control the other. No distinction, however, results from that different, since we are of opinion in this case, as we were in the other after an examination of the entire record, that the contention that there was no evidence tending to show guilt, and hence the case should have been taken

from the jury, is without merit.

As thus any conceivable distinction between the two cases is removed, it follows that, for the reasons stated in the *Goldman case*, ante, [245 U. S. 474](#) , just decided, and in the *Arver case* [*Selective Draft Law Cases*] ante, [245 U. S. 366](#) , as to the constitutional questions, the judgment below in this case must be, and it is,

Affirmed.

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