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Morford Vs. United States

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Court : US Supreme Court

Decided On : Apr-10-1950

Appeal No. : 339 U.S. 258

Appellant : Morford

Respondent : United States

Judgement :

Morford v. United States - 339 U.S. 258 (1950)
U.S. Supreme Court Morford v. United States, 339 U.S. 258 (1950)

Morford v. United States

No. 236

Decided April 10, 1950

339 U.S. 258

ON PETITION FOR CERTIORARI TO THE UNITED STATES COURT

OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

SYLLABUS

Petitioner, who is Executive Director of the National Council of American-Soviet Friendship, Inc., was convicted in the District of Columbia of violating R.S. 102, 2 U.S.C. 192, by willfully refusing to produce certain documents before the Committee on Un-American Activities of the House of Representatives in compliance with a subpoena duly served upon him. On *voir dire* examination, counsel for petitioner was not permitted to question government employees on the jury panel with specific reference to the possible influence of Executive Order 9835, the so-called "Loyalty Order," on their ability to render a just and impartial verdict, and four government employees were permitted to serve on the jury over his objection.

Held: the conviction is reversed because of this denial of an opportunity to prove actual bias on the part of the government employees who served on the jury. P. 339 U. S. 259 .

85 U.S.App.D.C. 172, 176 F.2d 54, reversed.

Petitioner, who is Executive Director of the National Council of American-Soviet Friendship, Inc., was indicted in the District of Columbia for violating R.S. 102, 2 U.S.C. 192, by willfully refusing to produce certain documents before the Committee on Un-American Activities of the House of Representatives in compliance with the subpoena duly served upon him. Four government employees served on the jury over his objection, and he was convicted. The Court of Appeals affirmed. 85 U.S.App.D.C. 172, 176 F.2d 54. *Certiorari granted, and conviction reversed,* p. 339 U. S. 259 .

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PER CURIAM.

In this case, the trial court did not permit counsel for petitioner to interrogate prospective government employee jurors upon *voir dire* examination with specific reference to the possible influence of the "Loyalty Order," Executive Order No. 9835, on their ability to render a just and impartial verdict. Such questioning was

permitted in *Dennis v. United States, ante,* p. 339 U. S. 162 ; *see* n 4 of the Court's opinion, *ante,* pp. 170-171.

We said in *Dennis* that "[p]reservation of the opportunity to prove actual bias is a guarantee of a defendant's right to an impartial jury." *Ante,* p. 339 U. S. 171 - 172. Since that opportunity was denied in this case, the petition for writ of certiorari is granted, and the judgment of the Court of Appeals is

Reversed.

MR JUSTICE BLACK and MR. JUSTICE FRANKFURTER concur in the reversal for the reasons expressed in their opinions in *Dennis v. United States, ante,* p. 339 U. S. 162 .

MR. JUSTICE DOUGLAS concurs in the reversal of the judgment. Since, however, counsel requested that all government employees be excluded from the jury in these cases, he thinks the request should have been granted for the reasons stated by the dissenting Justices in *Frazier v. United States,* 335 U. S. 497 , and in *Dennis v. United States, ante,* p. 339 U. S. 162 .

MR. JUSTICE CLARK took no part in the consideration or decision of this case.

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