

Gerende Vs. Election Board

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Court : US Supreme Court

Decided On : Apr-12-1951

Appeal No. : 341 U.S. 56

Appellant : Gerende

Respondent : Election Board

Judgement :

Gerende v. Election Board - 341 U.S. 56 (1951)

U.S. Supreme Court Gerende v. Election Board, 341 U.S. 56 (1951)

Gerende v. Election Board

No. 577

Argued April 9, 1951

Decided April 12, 1951

341 U.S. 56

APPEAL FROM THE COURT OF APPEALS OF MARYLAND

SYLLABUS

A decision by the highest court of Maryland upholding the validity of a Maryland law, construed as requiring that, in order for a candidate for public office in that State to obtain a place on the ballot, he must make oath that he is not engaged "in one way or another in the attempt to overthrow the government by force or violence," and that he is not knowingly a member of an organization engaged in such an attempt, is here affirmed on the understanding that an affidavit in those terms fully satisfies the requirement. Pp. [341 U. S. 56](#) -57.

___ Md., ___ 78 A.2d 660, affirmed.

PER CURIAM.

This is an appeal from a decision of the Court of Appeals of the Maryland the effect of which is to deny the appellant a place on the ballot for a municipal election in the City of Baltimore on the ground that she has refused to file an affidavit required by state law. Md.Laws 1949, c. 86, 15, 78 A.2d 660. The scope of the State law was passed on in *Shub v. Simpson*, ___ Md. ___, 76 A.2d 332. We read this decision to hold that to obtain a place on a Maryland ballot a candidate need only make oath that he is not a person who is engaged "in one way or another in the attempt

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to overthrow the government by force or violence," and that he is not knowingly a member of an organization engaged in such an attempt. 76 A.2d at 338. At the bar of this Court, the Attorney General of the Maryland declared that he would advise the proper authorities to accept an affidavit in these terms as satisfying in full the statutory requirement. Under these circumstances, and with this understanding, the judgment of the Maryland Court of Appeals is

Affirmed.

MR. JUSTICE REED concurs in the result.

