# MORE POLITICAL DECISIONS.

## THE UNITED STATES SUPREME COURT ON THE FEDERAL ELECTION LAWS.

**Affirming their Constitutionality and Sustaining the Jurisdiction of the Circuit Courts. Justice Joseph Bradley Reading the Opinion—Justices Field and Clifford Dissent.**

WASHINGTON, March 8.—A decision was read in the United States Supreme Court, this afternoon, in the case of Albert Liebold et al., election judges of Maryland, convicted in the United States Circuit Court for the District of Maryland, at the November term, 1878, on a charge of doing acts unauthorized by the State laws and by the laws of the United States, and interfering with supervisors of election and United States deputy marshals in the performance of the latter's duties. The petitioners here prayed for writs of habeas corpus and certiorari in order to bring their cases before this court on the ground that the statutes under which they were indicted (generally known as the "Federal Election laws") are unconstitutional and void. This court, in an elaborate opinion by Justice Bradley, holds:

First—That the question of the constitutionality of said laws is a good ground for this court to issue a writ of habeas corpus to inquire into the legality of imprisonment under such conviction, and if the laws are determined to be unconstitutional the prisoners should be discharged.

Second—That Congress had power, by the Constitution, to pass this resolution referred to, R. S., section 5515, of the Revised Statutes, which makes it a penal offence against the United States for any officer or citizen, at an election held for a Representative in Congress, to vote or to attempt to perform, or to violate any duty required by any law of the United States, whether required by law or the laws of the United States, or knowingly to do any act unauthorized by any such law, with intent to affect such election, or to make a fraudulent certificate of the result, or, and section 5520, which makes it a penal offence for any officer or person, with or without power to do so, to bribe, or intimidate, or interfere with a supervisor of election, or marshal, or deputy marshal, in the performance of any duty required of them by any law of the United States, or to prevent their free attendance at the place of registration or election, &c.; also sections 2011, 2012, 2016, 2017, 2021, and 2022, title 13, of the Revised Statutes, which authorize the Circuit Court to appoint supervisors of such elections, and the marshals to appoint special deputies to aid and assist them, and which prescribe the duties of such supervisors and marshals, and which provisions of law are provided by Congress in the Enforcement Act of May 31, 1870, and the supplement thereto of Feb. 28, 1871, for enforcing the election clauses of Representatives and the amendments thereto.

Third—That the Circuit Courts have jurisdiction of indictments under these laws, and a conviction and sentence in pursuance of such indictment is a final judgment, from which this court has no power to relieve on habeas corpus.

Fourth—That in making regulations for the election of Representatives it is not necessary that Congress should assume entire and exclusive control thereof. By virtue of that clause of the Constitution which declares that "the times, places, and manner of holding the elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators," Congress has a supervisory power over the subjects, and may either make entirely new regulations or add to, alter or modify the regulations made by the State.

Fifth—That in the exercise of its supervising power, Congress may impose new duties on the officers of election, or additional penalties for breach of duty, or for the perpetration of frauds, or for violence or intimidation, to prevent frauds and see that the elections are legally and fairly conducted.

Sixth—That the exercise of such power can properly cause no conflict of regulations or jurisdiction, because the authority of Congress over the subjects paramount, and any regulations it may make necessarily supersede those of the State in conflict therewith.

Seventh—That there is nothing in the relation of the State and national governments to the people of the operation of both in the matter of elections of Representatives. I both were equal in authority over the subject, collisions of jurisdiction might enough but the authority of the National Government is paramount, collisions of jurisdiction can only occur from unfounded jealousy of such authority.

Eighth—That Congress had power by the Constitution to vest in the Circuit Courts the appointment of supervisors of election. It is expressly declared that "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." While as a question of propriety the appointment of officers of election by courts of law or heads of departments might not be called in another, the matter is nevertheless left to the discretion of Congress.

Ninth—That the provision which authorizes the deputy marshals to assist at a peace election, elections is not unconstitutional. The national Government has the right to be the judge of its own power in any part of the United States to enforce its laws, and to keep the peace in the execution of the powers conferred to it by the Constitution.

Tenth—That the concurrent jurisdiction of the national Government with that of the State courts, which is conferred by the Revised Statutes, makes it a penal offence against the United States for any officer of election, at an election held for a Representative in Congress, to neglect to perform, or to violate any duty required by such law, whether required by law or the laws of the United States, or knowingly to do any act unauthorized by any such law, with intent to affect such election, or to make a fraudulent certificate of the result, and section 5520, which makes it a penal offence for any officer or person, with or without power to do so, to bribe, or intimidate, or interfere with a supervisor of election, or marshal, or deputy marshal, in the performance of any duty required of them by any law of the United States, or to prevent their free attendance at the place of registration or election, &c.; also sections 2011, 2012, 2016, 2017, 2021, and 2022, title 13, of the Revised Statutes, which authorize the Circuit Court to appoint supervisors of such elections, and the marshals to appoint special deputies to aid and assist them, and which prescribe the duties of such supervisors and marshals, and which provisions of law are provided by Congress in the Enforcement Act of May 31, 1870, and the supplement thereto of Feb. 28, 1871, for enforcing the election clauses of Representatives and the amendments thereto.

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