

Landmark Judgement

**Case Synopsis: Cramer v. United States, 325 US 1,
Treason Case**



**CRAMER
VS
UNITED STATES, (19
(TREASON CASE)**

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The current case is **Cramer v. United States**, also referred to as the "**Treason case**," in which the **US Supreme Court** examined Anthony Cramer's treason conviction. Cramer is a naturalized citizen of Germany. In this case, the U.S. Supreme Court made its first ruling regarding the interpretation of **Article III, Section 2 of the Constitution's treason clause**.

In a significant ruling, it was decided that in order to support a conclusion that genuine aid and comfort were provided to an enemy of the United States, the overt conduct reported by two witnesses had to be sufficient to be deemed treasonous in their context.

I. The Case's History

The petitioner in this case is Anthony Cramer, a mechanic of German descent who was acquainted with Werner Thiel and Edward Kerling, two Germans with whom he had previously done business. It was eventually discovered that the two of his buddies had participated in Operation Pastorius and were only in the US to damage the government.

Due to the petitioner's affiliation with the mentioned Germans, Cramer was also detained following the failure of Operation Pastorius. In 1942, the US High Court found Cramer guilty of treason against the government on the grounds that he supported and aided US enemies.

He was given a 45-year prison sentence and a \$10,000 fine.

The Court of Appeals for the Second Circuit upheld the petitioner's conviction after he filed an appeal against it. As a last resort, the petitioner appealed to the Supreme Court, and **on November 8, 1943, the Apex Court granted him Certiorari.**

The Supreme Court heard arguments in **the case on March 9, 1944, again on November 6, 1944, and finally on April 23, 1945. Harold Medina, a future federal judge**, represented the petitioner before the Supreme Court, while Solicitor General Charles Fahy defended the U.S. government's action against the petitioner.

II. The Concern

The question on appeal before the Supreme Court was not whether the petitioner had intended to commit treason, but rather whether his two meetings with the two saboteurs qualified as treason under the constitution.

III. The Parties' Contention

The function of the petitioner's overt activities, which served as the primary basis for his conviction, was the only issue at hand in this particular case. The overt act "alone and on its face must manifest a traitorous intention," according to the petitioner.

However, the U.S. Government, the Respondent, argued that "an apparently commonplace and insignificant act and other circumstances [may] create an inference that the act was a step in treason and was done with treasonable intent."

IV. Decision Made

After reviewing the Court of Appeals for the Second Circuit, the Supreme Court reversed the Court of **Appeals for the Second Circuit's ruling, upholding Cramer's conviction in a 5–4** ruling authored by Justice Robert Jackson, which is summarized as follows:

The overt act relied upon, of which the Constitution requires proof by two witnesses, must be at least an act of the accused sufficient in its setting to sustain a finding that the accused actually provided aid and comfort to the enemy in a prosecution based on an indictment alleging treason by adhering to enemies of the United States and providing them with aid and comfort in violation of § 1 of the Criminal Code.

In such a scenario,

the Constitution's two-witness rule protects at least all of the defendant's actions that are used to infer that assistance and consolation were provided.

Two of the petitioner's overt activities that were charged and relied upon in a prosecution following an indictment accusing Cramer of treason for aiding and comforting enemies of the United States, which violates § 1 of the Criminal Code:

"1. On or around June 23, 1942, in the Southern District of New York and within the jurisdiction of this Court, Anthony Cramer, the defendant herein, met with Werner Thiel and Edward John Kerling, enemies of the United States, at the Twin Oaks Inn at Lexington Avenue and 44th Street, in the City and New York, and did confer, treat, and counsel with said Werner Thiel and **Edward John Kerling** for a period of time with the purpose of providing aid and consolation to said enemies."

"2. On or about June 23, 1942, in the Southern District of New York and under the jurisdiction of this Court, Anthony Cramer, the defendant herein, did accompany, confer, treat, and counsel with Werner Thiel, an enemy of the United States, for a period of time at the Twin Oaks Inn at Lexington Avenue and 44th Street and Thompson's Cafeteria on 42nd Street between Lexington and Vanderbilt Avenues, both in the City and New York, with the intention of providing aid and consolation to said enemy, Werner Thiel."

It was proved by the direct testimony of two or more FBI agents that the petitioner met the saboteurs, Thiel and Kerling, at the locations and times alleged; they drank together and had lengthy, sincere conversations. The two witnesses did not, however, discover any hard evidence regarding their words or the language they spoke. This indicates that there was no evidence that Petitioner provided the saboteurs with food, shelter, or supplies, that he encouraged or counseled them, or even paid for their drinks. There was also no evidence that Petitioner made any effort to maintain secrecy, given that they had met in public.

In the end, the Supreme Court ruled that the overt acts demonstrated in 1 and 2 were insufficient to prove that the petitioner had truly provided assistance and consolation to the enemy, and thus insufficient to warrant the petitioner's conviction.

V. Final Thoughts

The U.S. Supreme Court took a middle ground in this case, taking into account the arguments and considerations of the parties, and decided that in order for the overt act to qualify for the constitutional definition of treason, the accused had to demonstrate that Petitioner Cramer had actually provided assistance and consolation to the enemies of the U.S. government. It should be determined that the petitioner obviously did not help and console the two saboteurs because there was insufficient proof and evidence that the meetings between the accused and the two benefited them.

In this particular case,

it is important that the Supreme Court held that the accused's overt behavior had to really help and comfort the enemy, rather than that it had to show a treasonous motive, though it could have.