U.S. Supreme Court

LIPAROTA v. UNITED STATES, 471 U.S. 419 (1985)

471 U.S. 419

LIPAROTA v. UNITED STATES
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 84-5108.

Argued March 19, 1985
Decided May 13, 1985

JUSTICE BRENNAN delivered the opinion of the Court.

The federal statute governing food stamp fraud provides that "whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization cards in any manner not authorized by [the statute] or the regulations" is subject to a fine and imprisonment. 78 Stat. 708, as amended, 7 U.S.C. 2024(b)(1). 1 The question presented is whether [471 U.S. 419, 421] in a prosecution under this provision the Government must prove that the defendant knew that he was acting in a manner not authorized by statute or regulations.

I

Petitioner Frank Liparota was the co-owner with his brother of Moon's Sandwich Shop in Chicago, Illinois. He was indicted for acquiring and possessing food stamps in violation of 2024(b)(1). The Department of Agriculture had not authorized petitioner's restaurant to accept food stamps. App. 6-7. 2 At trial, the Government proved that petitioner on three occasions purchased food stamps from an undercover Department of Agriculture agent for substantially less than their face value. On the first occasion, the agent informed petitioner that she had $195 worth of food stamps to sell. The agent then accepted petitioner's offer of $150 and consummated the transaction in a back room of the restaurant with petitioner's brother. A similar transaction occurred one week later, in which the agent sold $500 worth of coupons for $350. Approximately one month later, petitioner [471 U.S. 419, 422] bought $500 worth of food stamps from the agent for $300.

In submitting the case to the jury, the District Court rejected petitioner's proposed "specific intent" instruction, which would have instructed the jury that the Government must prove that "the defendant knowingly did an act which the law forbids, purposely intending to violate the law." Id., at 34. 3 Concluding that "[t]his is not a specific intent crime" but rather a "knowledge case," id., at 31, the District Court instead instructed the jury as follows:

> "When the word `knowingly' is used in these instructions, it means that the Defendant realized what he was doing, and was aware of the nature of his conduct, and did not act

through ignorance, mistake, or accident. Knowledge may be proved by defendant's conduct and by all of the facts and circumstances surrounding the case." Id., at 33.

The District Court also instructed that the Government had to prove that "the Defendant acquired and possessed food stamp coupons for cash in a manner not authorized by federal statute or regulations" and that "the Defendant knowingly and wilfully acquired the food stamps." 3 Tr. 251. Petitioner objected that this instruction required the jury to find merely that he knew that he was acquiring or possessing food stamps; he argued that the statute should be construed instead to reach only "people who knew that they were acting [471 U.S. 419, 423] unlawfully." App. 31. The judge did not alter or supplement his instructions, and the jury returned a verdict of guilty.

Petitioner appealed his conviction to the Court of Appeals for the Seventh Circuit, arguing that the District Court erred in refusing to instruct the jury that "specific intent" is required in a prosecution under 7 U.S.C. 2024(b)(1). The Court of Appeals rejected petitioner's arguments. 735 F.2d 1044 (1984). Because this decision conflicted with recent decisions of three other Courts of Appeals, 4 we granted certiorari. 469 U.S. 930 (1984). We reverse.

II

The controversy between the parties concerns the mental state, if any, that the Government must show in proving that petitioner acted "in any manner not authorized by [the statute] or the regulations." The Government argues that petitioner violated the statute if he knew that he acquired or possessed food stamps and if in fact that acquisition or possession was in a manner not authorized by statute or regulations. According to the Government, no mens rea, or "evil-meaning mind," Morissette v. United States, 342 U.S. 246, 251 (1952), is necessary for conviction. Petitioner claims that the Government's interpretation, by dispensing with mens rea, dispenses with the only morally blameworthy element in the definition of the crime. To avoid this allegedly untoward result, he claims that an individual violates the statute if he knows that he has acquired or possessed food stamps and if he also knows that he has done so in an unauthorized manner. 5 Our task is to determine which meaning Congress intended. [471 U.S. 419, 424]

The definition of the elements of a criminal offense is entrusted to the legislature, particularly in the case of federal crimes, which are solely creatures of statute. United States v. Hudson, 7 Cranch 32 (1812). 6 With respect to the element at issue in this case, however, Congress has not explicitly spelled out the mental state required. Although Congress certainly intended by use of the word "knowingly" to require some mental state with respect to some element of the crime defined in 2024(b)(1), the interpretations proffered by both parties accord with congressional intent to this extent. Beyond this, the words themselves provide little guidance. Either interpretation would accord with ordinary usage. 7 The legislative history of the statute contains nothing [471 U.S. 419, 425] that would clarify the congressional purpose on this point. 8

Absent indication of contrary purpose in the language or legislative history of the statute, we believe that 2024(b)(1) requires a showing that the defendant knew his conduct to be unauthorized by statute or regulations. 9 "The contention that an injury can amount to a crime only when inflicted by intention is no provincial or transient notion. It is as universal and

persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil." [471 U.S. 419, 426] Morissette v. United States, supra, at 250. Thus, in United States v. United States Gypsum Co., 438 U.S. 422, 438 (1978), we noted that "[c]ertainly far more than the simple omission of the appropriate phrase from the statutory definition is necessary to justify dispensing with an intent requirement" and that criminal offenses requiring no mens rea have a "generally disfavored status." Similarly, in this case, the failure of Congress explicitly and unambiguously to indicate whether mens rea is required does not signal a departure from this background assumption of our criminal law.

This construction is particularly appropriate where, as here, to interpret the statute otherwise would be to criminalize a broad range of apparently innocent conduct. For instance, 2024(b)(1) declares it criminal to use, transfer, acquire, alter, or possess food stamps in any manner not authorized by statute or regulations. The statute provides further that "[c]oupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores." 7 U.S.C. 2016(b) (emphasis added); see also 7 CFR 274.10(a) (1985). 10 This seems to be the only authorized use. A strict reading of the statute with no knowledge-of-illegality requirement would thus render criminal a food stamp recipient who, for example, used stamps to purchase food from a store that, unknown to him, charged higher than normal prices to food stamp program participants. Such a reading would also render criminal a nonrecipient of food stamps who "possessed" stamps because he was mistakenly sent them through the [471 U.S. 419, 427] mail 11 due to administrative error, "altered" them by tearing them up, and "transferred" them by throwing them away. Of course, Congress could have intended that this broad range of conduct be made illegal, perhaps with the understanding that prosecutors would exercise their discretion to avoid such harsh results. However, given the paucity of material suggesting that Congress did so intend, we are reluctant to adopt such a sweeping interpretation.

In addition, requiring mens rea is in keeping with our longstanding recognition of the principle that "ambiguity concerning the ambit of criminal statutes should be resolved in favor of lenity." Rewis v. United States, 401 U.S. 808, 812 (1971). See also United States v. United States Gypsum Co., supra, at 437; United States v. Bass, 404 U.S. 336, 347 -348 (1971); Bell v. United States, 349 U.S. 81, 83 (1955); United States v. Universal C. I. T. Credit Corp., 344 U.S. 218, 221 -222 (1952). Application of the rule of lenity ensures that criminal statutes will provide fair warning concerning conduct rendered illegal and strikes the appropriate balance between the legislature, the prosecutor, and the court in defining criminal liability. See United States v. Bass, supra, at 348 ("[B]ecause of the seriousness of criminal penalties, and because criminal punishment usually represents the moral condemnation of the community, legislatures and not courts should define criminal activity"). Although the rule of lenity is not to be applied where to do so would conflict with the implied or expressed intent of Congress, it provides a time-honored interpretive guideline when the congressional purpose is unclear. In the instant case, the rule directly supports petitioner's contention that the Government [471 U.S. 419, 428] must prove knowledge of illegality to convict him under 2024(b)(1).

III

We hold that in a prosecution for violation of 2024(b)(1), the Government must prove that the defendant knew that his acquisition or possession of food stamps was in a manner unauthorized by statute or regulations. 16 This holding does [471 U.S. 419, 434] not put an unduly heavy burden on the Government in prosecuting violators of 2024(b)(1). To prove that petitioner knew that his acquisition or possession of food stamps was unauthorized, for example, the Government need not show that he had knowledge of specific regulations governing food stamp acquisition or possession. Nor must the Government introduce any extraordinary evidence that would conclusively demonstrate petitioner's state of mind. Rather, as in any other criminal prosecution requiring mens rea, the Government may prove by reference to facts and circumstances surrounding the case that petitioner knew that his conduct was unauthorized or illegal. 17

Reversed.

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

JUSTICE WHITE, with whom THE CHIEF JUSTICE joins, dissenting.

Forsaking reliance on either the language or the history of 2024(b)(1), the majority bases its result on the absence of an explicit rejection of the general principle that criminal liability requires not only an actus reus, but a mens rea. In my view, the result below is in fact supported by the statute's language and its history, and it is the majority that has ignored general principles of criminal liability.

I

The Court views the statutory problem here as being how far down the sentence the term "knowingly" travels. See [471 U.S. 419, 435] ante, at 424-425, n. 7. Accepting for the moment that if "knowingly" does extend to the "in any manner" language today's holding would be correct - a position with which I take issue below - I doubt that it gets that far. The "in any manner" language is separated from the litany of verbs to which "knowingly" is directly connected by the intervening nouns. We considered an identically phrased statute last Term in United States v. Yermian, 468 U.S. 63 (1984). The predecessor to the statute at issue in that case provided: "`[W]hoever shall knowingly and willfully . . . make . . . any false or fraudulent statements or representations . . . in any matter within the jurisdiction of any department or agency of the United States . . . shall be fined.'" Id., at 69, n. 6 (quoting Act of June 18, 1934, ch. 587, 48 Stat. 996). We found that under the "most natural reading" of the statute, "knowingly and willfully" applied only to the making of false or fraudulent statements and not to the fact of jurisdiction. 468 U.S., at 69, n. 6. By the same token, the "most natural reading" of 2024(b)(1) is that "knowingly" modifies only the verbs to which it is attached. 1

In any event, I think that the premise of this approach is mistaken. Even accepting that "knowingly" does extend through the sentence, or at least that we should read [471 U.S. 419, 436] 2024(b)(1) as if it does, the statute does not mean what the Court says it does. Rather, it

requires only that the defendant be aware of the relevant aspects of his conduct. A requirement that the defendant know that he is acting in a particular manner, coupled with the fact that that manner is forbidden, does not establish a defense of ignorance of the law. It creates only a defense of ignorance or mistake of fact. Knowingly to do something that is unauthorized by law is not the same as doing something knowing that it is unauthorized by law.

The Court's opinion provides another illustration of the general point: someone who used food stamps to purchase groceries at inflated prices without realizing he was over-charged. 2 [471 U.S. 419, 437] I agree that such a person may not be convicted, but not for the reason given by the majority. The purchaser did not "knowingly" use the stamps in the proscribed manner, for he was unaware of the circumstances of the transaction that made it illegal.