

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES *v.* GAUDIN

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 94-514. Argued April 17, 1995—Decided June 19, 1995

Respondent was charged with violating 18 U. S. C. §1001 by making false statements on Department of Housing and Urban Development (HUD) loan documents. After instructing the jury that the Government had to prove, *inter alia*, that the alleged false statements were material to HUD's activities and decisions, the District Court added that the issue of materiality is a matter for the court to decide rather than the jury and that the statements in question were material. The jury convicted respondent, but the Ninth Circuit reversed, holding that taking the question of materiality from the jury violated the Fifth and Sixth Amendments.

Held: The trial judge's refusal to submit the question of "materiality" to the jury was unconstitutional. Pp. 3-17.

(a) The Fifth and Sixth Amendments require criminal convictions to rest upon a jury determination that the defendant is guilty of every element of the crime with which he is charged. *Sullivan v. Louisiana*, 508 U. S. ___, ___. The Government concedes that "materiality" is an element of the offense that the Government must prove under §1001. Pp. 3-5.

(b) The question whether the defendant's statement was material to the federal agency's decision is the sort of mixed question of law and fact that has typically been resolved by juries. See, e.g., *TSC Industries, Inc. v. Northway, Inc.*, 426 U. S. 438, 450. The Government's position that the principle requiring the jury to decide all of a crime's elements applies to only the essential elements' factual components has no support in the case law. *Sparf v. United States*, 156 U. S. 51, 90, and the other authorities on which the Government relies, e.g., *Sullivan, supra*, at ___, all confirm that the jury's constitutional responsibility is not merely to determine the facts, but to apply

the law to those facts and draw the ultimate conclusion of guilt or innocence. Pp. 5-9.

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(c) There is no consistent historical tradition to support the Government's argument that, even if the jury generally must pass on all of a crime's elements, there is an exception for materiality determinations with respect to false statements in perjury prosecutions (which are analogous to the determinations made in §1001 prosecutions). There was no clear practice of having the judge determine the materiality question in this country at or near the time the Bill of Rights was adopted. Indeed, state and federal cases appear not to have addressed the question until the latter part of the 19th century, at which time they did not display anything like the virtual unanimity claimed by the Government. Though uniform poststratification practice can shed light upon the meaning of an ambiguous constitutional provision, the practice here is not uniform, and the core meaning of the constitutional guarantees is unambiguous. Pp. 9-13.

(d) The Government's contention that *stare decisis* requires respondent's constitutional claim to be denied is rejected. *Sinclair v. United States*, 279 U. S. 263, 298, is overruled. *Kungys v. United States*, 485 U. S. 759, 772, distinguished. Pp. 13-17.

28 F. 3d 943, affirmed.

SCALIA, J., delivered the opinion for a unanimous Court. REHNQUIST, C. J., filed a concurring opinion, in which O'CONNOR and BREYER, JJ., joined.