

Public Authority Defense Cases

Case	Circuit	Date	Brief Facts	Characterization of Defense	Holding	Notes
<i>US v. Doe</i> 705 F.3d 1134	9th	2013	Drug trafficking defendant claimed to have been operating at the direction of the FBI. Reversed and remanded.	Public Authority	Defendant’s burden to demonstrate by preponderance of the evidence the affirmative defense of reliance on public authority, which excuses but does not negate criminal intent. Look at statutory language to determine (1) whether the public authority defense negates an element of the charged offense that the government must prove, and (2) whether Congress intended to alter the common law rules governing the public authority defense.	Analogy to <i>Dixon</i> ’s treatment of the affirmative defense of duress. To the extent that prior 9th Cir. decisions contradict <i>Dixon</i> , they are no longer good law.
<i>US v. Sariles</i> 645 F.3d 315	5th	2011	Defendant arrested at the border with almost 100 kg of marijuana. Claimed to be acting on apparent authority of local law enforcement. Conviction affirmed.	Public Authority	Defendant may not rely on apparent authority. Actual (not apparent) authority is required.	References to consistent holdings in the 1st, 2d, 3d, 9th, 11th Circuits. One D.C. Circuit opinion where one of three judges found apparent authority to suffice.
<i>US v. Dixon</i> 548 U.S.1	USSCT	2006	Duress defense to receiving a firearm while under indictment and false statements.	Duress	Defendant’s burden to demonstrate duress defense by preponderance of the evidence. Congress has moved away from the general/specific intent dichotomy. “Knowingly” only requires the government to prove that the defendant had knowledge of the facts that constitute the offense.	Applied by the 9th Circuit to the public authority defense in <i>Doe</i> .

<i>US v. Bear</i> 439 F.3d 565	9th	2006	Drug trafficking defendant claimed to have been operating at the direction of law enforcement. Reversed and remanded.	Public Authority	Failure to <i>sua sponte</i> instruct the jury on the public authority defense was plain error, even where defense counsel did not request it or object to the instructions that were given.	Apparent authority seems to suffice (“Hager either had or reasonably appeared to have the power to authorize Bear’s illegal acts.”).
<i>US v. Baker</i> 438 F.3d 749	7th	2006	Firearms possession defendant claimed to be acting at the direction of law enforcement. Defendant had multiple inconsistent versions of events. Conviction affirmed.	Public Authority and Entrapment by Estoppel	Court did not err in refusing either defense. There was no actual or apparent authority. Lack of evidence that the government affirmatively misled the defendant, and that the defendant’s reliance was actual and reasonable.	Court comments on the lack of distinction between entrapment by estoppel and the public authority defense and suggests that the difference might be that the public authority defense requires actual authority, while entrapment by estoppel might only requires apparent authority. But the Court notes that Fed. R. Crim. P. 12.3 includes the language “a defense of actual <i>or believed</i> exercise of public authority” (emphasis in original). Issue not decided here.
<i>US v. Batterjee</i> 361 F.3d 1210	9th	2004	Non-immigrant alien in possession of a firearm. Defendant truthfully answered questions on an AFT form, and Federally licensed firearms dealer told him he was eligible to purchase a firearm. Conviction reversed.	Entrapment by Estoppel	Conviction reversed. Entrapment by estoppel is the unintentional entrapment by an official who mistakenly misleads a person into a violation of the law. Defendant must show (1) that an authorized government official, empowered to render the claimed erroneous advice, (2) who has been made aware of all the relevant historical facts, (3) affirmatively told defendant the conduct was permissible, (4) defendant relied on the false information, and (5) that reliance was reasonable – <i>i.e.</i> , a person who sincerely desired to obey the law would have accepted the information as true and	Apparently requires actual authority for an entrapment by estoppel defense (found to be the case here because the seller was a licensed firearms dealer). Noted that the District Court commented that it had a real problem with the concept of an entrapment by estoppel defense in non-scienter crimes.

					would not have been put on notice to make further inquiries.	
<i>US v. Gracidas-Ulibarry</i> 231 F.3d 1188	9th	2000	Attempted re-entry after deportation. Defendant claimed that he was asleep in the car and therefore did not have the specific intent to violate the law. Conviction affirmed in relevant part.	Lack of intent (but not based on governmental authority)	Attempted re-entry is a specific intent crime (unlike re-entry, which is a general intent crime). Certain defenses, such as voluntary intoxication and subjective mistake of fact can negate culpability only for specific intent crimes.	Focus on whether this offense was specific or general intent. No defense based on governmental authority, but useful discussion about whether mistake of fact is a defense to specific or general intent crimes.
<i>US v. Ramirez-Valencia</i> 202 F.3d 1106	9th	2000	Deported alien found in the U.S. Defendant argued unsuccessfully that entrapment by estoppel barred prosecution because he received an INS form that incorrectly suggested that he could return to the U.S. after five years. Conviction affirmed.	Entrapment by estoppel	Entrapment by estoppel defense was not available. The form did not expressly state that the defendant could return after five years. Reliance was unreasonable.	Entrapment by estoppel is the unintentional entrapment by an official who mistakenly misleads a person into a violation of the law. Defendant must do more than show that the government made vague or even contradictory statements. Must show that the government affirmatively told him the proscribed conduct was permissible, and that he reasonably relied on the government's statement. Reliance is reasonable if a person sincerely desirous of obeying the law would have accepted the information as true, and would not have been put on notice to make further inquiry. Need active misleading. Comparison of <i>Tallmadge</i> (defense available) and <i>Brebner</i> (defense not available).
<i>US v. Spires</i> 79 F.3d 464	5th	1996	Felon in possession of a firearm. Sought an entrapment by estoppel instruction because a state task force agent told him a year earlier that he could not carry a gun in his truck that he claimed was owned by his wife, and that they should "put it away at home." Defendant was	Entrapment by Estoppel	Entrapment by estoppel is only available where a government official actively assures a defendant that certain conduct is lawful and the defendant reasonably relies on that advice and continues or initiates the conduct. The defense is a narrow exception to the general rule that ignorance	Questionable characterization of the public authority defense, which "is available when the defendant is engaged by a government official to participate or assist in covert activity." Opinion requires actual authority and does not discuss apparent authority.

			arrested a year later after pawning the firearm. Conviction affirmed.		of the law is no excuse and is based on fundamental fairness concerns of the Due Process Clause. The focus is on the conduct of the government not the intent of the accused. Defendant is required to show reliance either on a federal government official empowered to render the claimed erroneous advice, or on an authorized agent of the federal government who has been granted the authority from the federal government to render such advice.	
<i>US v. Abcasis</i> 45 F.3d 39	2d	1995	DEA informants claimed that drug trafficking was sanctioned by the government. Conviction reversed.	Entrapment by Estoppel	Entrapment by estoppel is available where a government official solicits a defendant to engage in otherwise criminal conduct as a cooperating informant, or effectively communicates an assurance that the defendant is acting under authorization, and the defendant, relying thereon, commits crimes in the mistaken but reasonable, good faith belief that he has been authorized to do so. Reasonableness turns on whether a person sincerely desirous of obeying the law would have accepted the information as true and would not have been put on notice to make further inquiries. The defense does not depend solely on the absence of criminal intent. Nor is it limited to the circumstance of actual authorization. It focuses on the conduct of the government leading the defendant to believe reasonably that he was authorized to do the act. It depends in the unfairness of prosecuting one who has	Discussion of “authorization” pertains to whether the defendant was authorized by the agent – not whether the agent was authorized (actually or apparently) to authorize the defendant. Unclear whether the agent actually was authorized – cooperation apparently was with a state task force agent. Fact that the crime was a general intent, and not a specific intent, crime did not make the defense unavailable. Listing cases from the 1st, 2d, 6th, 9th, 10th Circuits (and Cox from the USSCT in 1965).

					been led by the conduct of government agents to believe his acts were authorized.	
<i>US v. Matta-Ballesteros</i> 71 F.3d 754	9th	1995	Drug cartel member abducted by authorities in Honduras and extradited to the U.S. for RICO offenses related to drug trafficking and the kidnapping and murder of a DEA agent. Conviction affirmed.	Public Authority	Court did not abuse its discretion in prohibiting public authority defense where defendant claimed that a news article about CIA involvement in drug trafficking and arming the Nicaraguan Contras amounted to the U.S. government's authorization of the charged offenses.	Fn. 12 would require actual authority for the public authority defense, although it is unclear how that test could ever be met as worded: Furthermore, this defense would probably fail as a matter of law. The CIA is prohibited from violating the statutes of the U.S. and hence, a CIA agent could not lawfully authorize the violating of the federal drug laws. Citing <i>Rosenthal</i> , 11th Cir. 1986.
<i>US v. Burrows</i> 36 F.3d 875	9th	1994	Drug trafficking defendant claimed to have been working undercover for law enforcement Conviction affirmed in relevant part.	Public Authority	Court instructed the jury that it should acquit the defendant if he was acting or reasonably believed he was acting on behalf of law enforcement. Defendant objected to the term "reasonably" arguing that subjective intent is all that is required (the term "reasonably" is not included in Fed. R. Crim. P. 12.3). Court held that the public authority defense requires a defendant's belief to be reasonable, as it had previously held in the context of entrapment by estoppel.	Discussion of three types of defenses discussed in <i>Baptista-Rodriguez</i> (11th Cir. 1994): Lack of criminal intent, public authority, and entrapment by estoppel. The difference between entrapment by estoppel and public authority defense is not great. In the first, a government official commits an error and the defendant relies on it and thereby violates the law. In the second, a government official makes some statement or performs some act and the defendant relies on it, possibly mistakenly, and commits an offense. Reasonable belief requirement suggests that the government agent only needs apparent, and not actual, authority for both the public authority defense and for entrapment by estoppel, although that is not explicitly discussed here. Defendant

						argued for a purely subjective standard based on the language of R. 12.3, but the court required objective reasonableness.
<i>US v. Baptista-Rodriguez</i> 17 F.3d 1354	11th	1994	Drug trafficking defendant claimed he honestly believed he was working undercover for law enforcement, and therefore lacked the required specific intent <i>mens rea</i>. Defendant sought to introduce evidence of a classified prior relationship with the FBI. Affirmed in relevant part and reversed in relevant part.	Lack of specific intent <i>mens rea</i> (but confusion as to which defense was being asserted acknowledged by the court).	District court did not abuse its discretion in precluding defendant from introducing classified details of his earlier dealings with the FBI where defendant was permitted to otherwise establish his defense through his own testimony and cross-examination of government witnesses (unlike <i>Juan</i> , where the defendant was not permitted to introduce <i>any</i> evidence). Conviction reversed, however, for refusing to permit the defendant to cross-examine government witnesses using documentation of the termination of the earlier cooperation with the government.	Detailed discussion in Fn 18 of the variations on the public authority defense and “the muddled state of the law in this circuit regarding defenses based on perceived governmental authority.” Defenses are: (1) “Innocent Intent” – defendant lacked criminal intent because he honestly believed he was acting in cooperation of the government; (2) “Public Authority” – defendant reasonably relied on the authority of a government official to engage in covert activity, and the official had actual authority to empower the defendant (apparent authority is not sufficient because it is a mistake of law); (3) “Entrapment by Estoppel” – government official tells a defendant that certain conduct is legal and the defendant commits what would otherwise be a crime in reasonable reliance on the official’s representation. “It is not for this court to untangle the web of ‘FBI defense’ cases. For now it will suffice to note that confusion ... can be minimized or avoided in the future if litigants (and courts) state with precision the theory (or theories) they are advancing.”

<i>US v. Weitzenhoff</i> 35 F.3d 1275	9th	1993	Sewage treatment plant managers discharging sewage sludge near a popular beach in Hawaii “knowingly” in violation of the Clean Water Act. Defendants sought entrapment by estoppel instruction based on (1) the language of the permit, which allowed for bypasses required to prevent severe property damage, etc.; and (2) regulatory authorities Conviction Affirmed	Entrapment by Estoppel	Opinion focuses on the definition of “knowingly (<i>i.e.</i> , that the government must prove that the defendant knew that he did something that happened to violate the law, not that he knew that he was violating the law when he did it. Strong dissent on this issue.) Entrapment by Estoppel defense requires Defendant to show that he relied on an error committed by a government official.	
<i>US v. Brebner</i> 951 F.2d 1017	9th	1991	Defendant denied entrapment by estoppel defense in a prosecution for firearms offenses where he claimed that he relied on statements and actions of federally licensed firearms dealers and local police officials about whether he was prohibited from purchasing firearms in light of his expunged prior felony. Similar to <i>Tallmadge</i> (but distinguished). Conviction Affirmed.	Entrapment by Estoppel	Defendant failed to show that he received affirmatively misleading information from government officials (here licensed firearms dealers), unlike <i>Tallmadge</i> and <i>Clegg</i> . Reliance on statements and actions by local police officials also failed because they were “not empowered to render the claimed erroneous advice” (<i>i.e.</i> , actual authority). Entrapment by estoppel defense is available for general intent crimes, but because of Due Process fairness considerations, not because it goes to the defendant’s lack of specific intent.	Need affirmatively misleading statements and actual authority.
<i>US v. Hedges</i> 912 F.2d 1397	11th	1990	Former Air Force Colonel convicted of taking government action with a conflict of interest. Argued that jury should have been instructed on entrapment by estoppel because he received advice from his Air Force Standards of Conduct Counselor. Conviction reversed.	Entrapment by Estoppel	Jury should have been instructed on entrapment by estoppel defense, which applies when an official tells a defendant that certain conduct is legal and the defendant believes that official. (<i>Cox, Tallmadge, Clegg, Hsieh Hui Mei Chun</i>). Rests on principles of fairness rather than the defendant’s mental state “and thus it may be raised <u>even in</u> strict liability	Court applies entrapment by estoppel “even in” strict liability offenses, suggesting that it is available in general intent offenses. Court dismisses the government’s “official can’t authorize a violation of the law” argument. Unclear whether this permits the defense in an apparent authority context because here the court found actual authority (In our

					offense cases” (<i>emphasis added</i>). Regarding government’s argument that the official did not have actual authority to authorize the proscribed activity: “The premise is faulty. There has never been a suggestion that [the Standards of Conduct Counselor] could waive or authorize a violation of the statute. On the contrary, the only issue before us, clearly, is whether [defendant] acted on advice that he was not violating the statute.	view, the Standards of Conduct officer is as much a responsible public officer as a police chief (Cox) or a licensed firearms dealer (<i>Tallmadge</i>)).
<i>US v Mason</i> 902 F.2d 1434	9th	1990	Bank fraud/RICO convictions related to a prostitution business that defendants claimed the FBI authorized them to operate in order to serve as organized crime informants. FBI had authorized the operation at one point, but government argued that the authorization ended after the organized crime targets were convicted. Conviction reversed.	Not specified, but the defense proposed instruction resembles the “lack of mens rea” variety and would have placed the burden of proof on the government to disprove the defense beyond a reasonable doubt.	District court erred in giving a straight entrapment instruction instead of the defendants’ proposed instruction that prohibited conviction where the conduct was at the request or behest of the government.	Cites to <i>Mason</i> and other earlier cases, but no discussion of <i>Clegg</i> or <i>Tallmadge</i> . Seems to allow apparent authority: “We have held that if a jury found that a defendant committed the acts in violation of criminal statutes while acting as an agent for the law enforcement authority, or even if he held the mistaken, but reasonable, belief that he was so acting, then the jury would have to exonerate him.” <i>US v. Lee</i> , 589 F.2d 980 (9th Cir. 1979).
<i>US v. Anderson</i> 872 F.2d 1508	11th	1989	Army Special Forces NCOs sold explosives and weapons to undercover ATF agents and claimed that they were authorized by a former Special Forces soldier, who told them that he worked with the CIA and that the weapons were part of a covert operation in Central America.	Referred to as the “CIA” or “Apparent Authority” Defense. Defendants argued lack of specific intent and	Defense unavailable where the alleged government agent lacked actual or apparent authority. Cites to <i>Rosenthal</i> and asserts that the 11th Circuit followed <i>Duggan</i> in rejecting apparent authority. No serious contention that there could have been actual authority here. Officials of the CIA do not have the authority to sanction conduct which would violate the	Rejection of apparent authority, but the defense was permitted to introduce evidence in support of their defense, and the jury instruction complained of came close to including entrapment by estoppel and apparent authority. Discussion of mistake-of-fact and mistake-of-law, but no resolution as to which this was (“Regardless of whether we characterize

			Conviction affirmed in relevant part.	government's burden to prove.	Constitution or federal statutes. Because there could not have been real authority, there could not have been apparent authority. Appellants failed to advance an adequate legal theory under which they objectively reasonably believed that their conduct was lawfully authorized. Jury instruction included that defendants should be acquitted "if the jury entertained a reasonable doubt whether the defendants acted in good faith under the sincere belief that their activity was exempted from the law," and defendants were permitted to testify and present non-classified evidence to support their defense.	appellants' mistake as one of law or fact, we find no merit in appellants' contention that the trial court's exclusion of classified material and jury instruction on apparent authority effectively directed a verdict in favor of the government on the element of criminal intent").
<i>US v. Clegg</i> 846 F.2d 1221	9th	1988	Clegg taught at an American school in Pakistan. Claimed that high-ranking Army officers and other US officials solicited, encouraged, and assisted his efforts to ship weapons to Afghan rebels fighting the Soviet Union. Affirmed District Court CIPA ruling providing classified information to the defense and allowing the defense to use it at trial (not a defendant appealing a conviction).	Entrapment by Estoppel (by reference to <i>Tallmadge</i>)	Reasonable good faith reliance on statements of US officials that led defendant to believe he was lawfully transporting guns would be a defense. Defense is entitled to information under CIPA and entitled to use it at trial. If the defense was available in <i>Tallmadge</i> , it is available here.	The dissent points out that <i>Tallmadge</i> was unclear on the issue of whether apparent authority suffices, or whether actual authority is required, and it notes that the issue is not addressed in <i>Clegg</i> except for stating that <i>Clegg</i> dealt with officials of the highest rank.
<i>US v. Tallmadge</i> 829 F.2d 767	9th	1987	Defendant relied on statements of a licensed gun dealer and then advice of counsel that gun sale was lawful where his earlier felony conviction had been reduced to a misdemeanor.	Entrapment by estoppel	Licensed firearms dealer was government's agent, and defendant had a right to rely on the dealer's representations where the dealer was made aware of all the relevant historical facts.	Dissenting opinion is countered in fn. 1. Distinguishes <i>US v. Browning</i> , 630 F.2d 694 (10th Cir. 1980), where the defendant was not misled. Clarifies that <i>US v. Smith</i> , 802 F.2d 1119 (9th Cir. 1986) and <i>US v. Hsieh Hui Mei Chen</i> , 754 F.2d 817

			Conviction reversed.		Tallmadge did not rely solely on the misleading representations of the licensed firearms dealer. He also sought and obtained advice from an experienced criminal lawyer regarding his right to possess a non-concealable firearm. [I.e., he was on notice to make further inquiry, and he did – <i>see Lansing</i> .]	(9th Cir. 1985) do not require “trickery, persuasion, or fraud of a government agent.” Note also that the district court acquitted the defendant of related specific intent false statement counts, but convicted him on the “knowing” receipt of the firearms offenses. Those were the convictions that were reversed by the 9th Circuit.
<i>US v. Rosenthal</i> 793 F.2d 1214	11th	1986	Drug trafficking defendants claimed that a person they believed to be a CIA officer told them that the drug trafficking was sanctioned by the CIA. Court limited defense proposed evidence of the “CIA defense,” and defendants were convicted. Convictions affirmed in relevant part.	Not specified. Referred to as the “CIA defense” and the “reliance of apparent authority” exception to the rule that mistake of law is not a defense.	Mistake of law defense with no applicable exception, including a legitimate reliance on an official interpretation of law (<i>Cox</i>). Erroneous legal conclusion that a CIA agent could lawfully authorize the violation of federal drug laws. Cites <i>Duggan</i> ’s rejection of apparent authority. Distinguishes <i>Smith</i> , where defense claimed that a CIA official told the defendant to disclose classified information to a Soviet agent. CIA would be authorized to authorize that act, unlike drug trafficking.	Described in <i>Anderson</i> as having “followed <i>Duggan</i> ” in rejecting apparent authority.
<i>US v. Juan</i> 776 F.2d 256	11th	1985	CIPA case where drug trafficking defendant claimed to be working with the government. Court found that sought classified information was not material to the defense and that it was not admissible at trial. Defendant entered a conditional guilty plea. Conditional guilty plea vacated and remanded.	Not specified but described as a lack of criminal intent.	Two page opinion focused on CIPA and found that the information proposed by defendant was material to his defense. No ruling on whether the classified information itself would be admissible, or whether substitute information would suffice. No detailed discussion of the nature of the defense, other than that defendant asserted that he lacked criminal intent because he reasonably thought he	Limited ruling, but the fact that the court determined the information to be material suggests viability of an apparent authority defense.

					committed the offense in cooperation with the U.S. government.	
<i>U.S. v. Smith</i> 592 F.Supp. 424	EDVA	1984	Defendant claimed CIA authorized him to disclose classified information to a Soviet agent. District Court permitted use of classified information by the defense. The Fourth Circuit reversed (780 F.2d 1102), but on the specifics of the CIPA balancing test, not on the district court's analysis of the lack-of-intent defense.	Not specified but described as a lack of criminal intent. Not an affirmative defense that the defendant has the burden of proving.	Defendant's reasonable belief that CIA agents had directed him to reveal the information was a defense to the charged violation of the Espionage Act because it negated the specific intent required by the Act (<i>i.e.</i> , to provide information used to injure the United States or to the advantage of a foreign nation). Distinguishes and rejects <i>J. Merhige in Barker</i> because (1) this case involves a possible mistake as to whether the person who provided direction was, in fact, a government official, but not a mistake as to the official's authority, and (2) it is inconsistent with the mistake of fact doctrine, even where that is coupled with a mistake of law. Defendant could have reasonably believed that the people giving him direction were CIA agents, and there was no dispute that a CIA agent would be authorized to direct the disclosure of classified information.	Context of CIPA.
<i>US v. Duggan</i> 743 F.2d 59	2d	1984	Defendants conspired to sell weapons and other prohibited items to the IRA. Defendants claimed that the FBI informant told them that he worked for the CIA and that the CIA authorized the transactions. Convictions affirmed.	Referred to as the "Defense of Apparent Authority" and the "Mistake of Law Defense".	Court rejected the apparent authority test by <i>J. Wikley in Barker</i> . Real authority required. Court properly refused defense proposed instruction. This is a mistake of law defense, and the limited exceptions do not apply. Even if the court adopted the apparent authority test, defendants failed to meet that test because their reliance was unreasonable and they did nothing to verify the alleged CIA connection or that the	

					alleged CIA agent “had authority to sanction such plainly unlawful activity as international trafficking in firearms and explosives.”	
<i>US v. Hughes</i> 626 F.2d 619	9th	1980	Defendant argued that a jury instruction was insufficient to permit the jury to consider his argument that the Bureau of Land Management authorized him to sell horses to a slaughter house in violation of the Wild Free-Roaming Horses and Burros Act. Conviction affirmed.		If Jury believed that BLM had authorized defendant to sell horses for slaughter in violation of the Wild Free-roaming Horses and Burros Act, they could not have found the intent necessary to support the conviction.	Cited in <i>Mason</i> .
<i>US v. Barker</i> 546 F.2d 940	DC	1976	White House “Special Investigations Unit” burglars claimed to rely on authority of White House superior. Conviction for conspiring to violate a psychiatrist’s civil rights. Conviction reversed.	Referred to as a defense of “reasonable good faith reliance on apparent authority.”	2-1 decision with separate opinions by the two concurring judges. Both agree that the jury should have been instructed as to a limited exception to the mistake of law rule, but one (Wilkey) would include apparent authority, and the other (Merhige) would not. <u>Wilkey</u> : (1) facts justified defendants’ reasonable reliance on the official’s <u>apparent</u> authority, and (2) a legal theory on which to base a reasonable belief that the official possessed that authority. <u>Merhige</u> : (1) defendant reasonably, on the basis of an objective standard, (2) relied on a (3) conclusion or statement of law (4) issued by an official charged with interpretation, administration, and/or enforcement responsibilities in the relevant legal field.	Watergate era facts, where the question of whether the executive branch official actually had the authority to engage in the activity at issue was unclear.

<i>US v. Pennsylvania Industrial Chem. Corp.</i> 411 U.S. 655	US	1973	Corporation discharged waste into a river. Government alleged violations of the Rivers and Harbors Act, which prohibited knowingly depositing refuse matter into a river without a permit from the Army Corps of Engineers, which had taken the position in regulations that a permit was not necessary unless the deposits impeded or obstructed navigation. Remanded.		Error to deny a corporate defendant the right to present evidence that it had been affirmatively misled by the responsible administrative agency into believing that the law did not apply.	Relies on <i>Railey</i> and <i>Cox</i> . Cited in <i>Tallmadge</i> .
<i>US v. Lansing</i> 424 F.2d 225	9th	1970	Draftee asserted reliance on information from draft board in failing to timely claim conscientious objector status. Conviction affirmed.	Variations listed but court declines to specify which one this is because any of the variations would require <i>reasonable</i> reliance on misleading information, which was not present here.	No need to determine whether this case fits within the “narrowly limited class of case” resting on entrapment, quasi-entrapment, mens rea, or on more general principles of due process and estoppel. Defendant at the very least must be able to show that his reliance was reasonable – <i>i.e.</i> , a person sincerely desiring to obey the law would have accepted the information as true and would not have been put on notice to make further inquiries. [<i>See Tallmadge.</i>] Not so here, where a form from the Draft Board’s conscientious objector form clearly indicated that it was due within 10 days. Defendant was at least on notice that any contrary information from the Board was incorrect and could have inquired further.	
<i>Cox v. Louisiana</i> 379 U.S. 559	US	1965	Chief of Police told demonstrator that he (and 2000 others) could demonstrate across the street from the courthouse. Demonstrator complied but was then	Not specified. Described in <i>Lansing</i> as “more general principles	The Due Process Clause does not permit a conviction where government officials told the defendant that he could demonstrate where he did.	Analogy to <i>Raley v. Ohio</i> , 360 U.S. 423 (1959), reversing convictions for refusing to answer questions from a state commission that mistakenly told the

			arrested for demonstrating “near” the courthouse. Conviction reversed.	of due process and estoppel.”		defendants they had a privilege not to answer the questions. Reasonable reliance on a mistake made by the government official.
--	--	--	---	-------------------------------	--	--