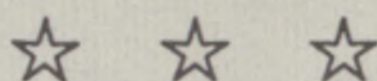


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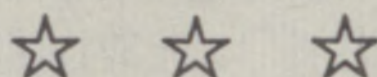
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THE UNITED STATES COURTS



THEIR JURISDICTION AND WORK



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Printed for the use of the Committee on the Judiciary
House of Representatives

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1971

56-752

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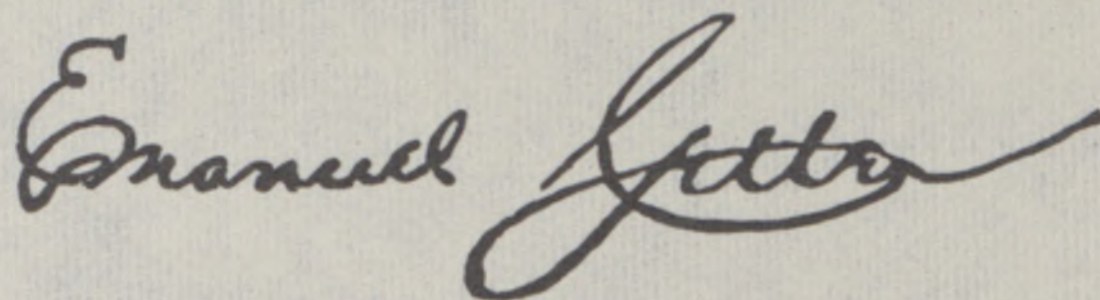
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FOREWORD

By Hon. Emanuel Celler, Member of Congress

The system of courts, comprising the judicial branch of the United States Government under the Constitution, is a logical arrangement designed to provide equal protection under the laws to individuals in all walks of life. Following the guidelines established by the Constitution and with careful regard and respect for the prerogatives of the States, the Congress has set up a number of district courts and courts of appeals in addition to the Supreme Court provided for by article III of the Constitution. The jurisdiction of the courts of original jurisdiction and the method of appeal from their decisions has been carefully devised and enacted into law by the Congress, and other so-called "legislative courts" with limited jurisdiction have also been established to round out the system.

Information regarding this judicial system has not been readily available to the interested layman in a form that is brief and understandable. This excellent handbook, by Joseph F. Spaniol, Jr., Esq., of the Administrative Office of the United States Courts, explains in layman's language and in a concise form, just what the judicial branch is, and describes the system of courts clearly and briefly. It was first published as House Document 180 of the 88th Congress, and has been brought up to date by the author. I know of no other publication of its kind and I hope that it will receive widespread circulation among students and other persons who are interested in understanding this extremely important co-ordinate part of our scheme of Government.

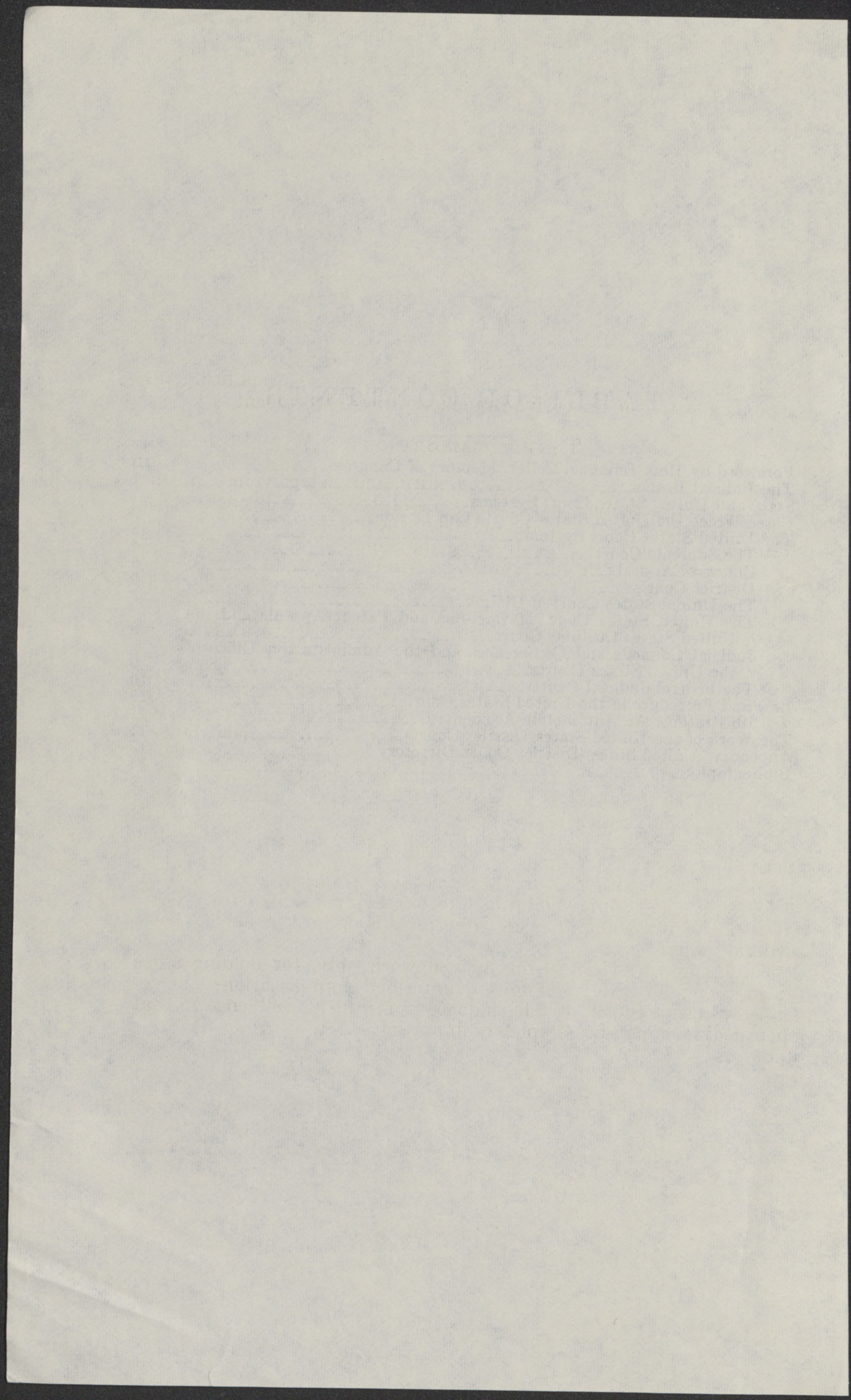
A handwritten signature in dark ink, reading "Emanuel Celler". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Chairman, Committee on the Judiciary.

(III)

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THE UNITED STATES COURTS

The position of the United States courts in our governmental organization is not difficult to understand when that organization is seen as a whole. Our government is a dual one—Federal and State—and the Federal Government in turn has three separate branches—the Legislative, the Executive, and the Judicial. The United States courts constitute the Judicial Branch of the Federal Government. Thus, the powers of the United States courts are first of all limited as Federal powers—they can exercise only those powers granted by the United States Constitution to the Federal Government—and secondly are limited as judicial—they cannot exercise powers belonging to the Legislative or Executive Branches of the Government.

THE JUDICIAL BRANCH

The Constitution assures the equality and independence of the Judicial Branch from the Legislative and Executive Branches. Although Federal judges are appointed by the President of the United States with the advice and consent of the Senate, and although funds for the operation of the courts are appropriated by the Congress, the independence of the United States courts is provided for in three respects:

First, under the Constitution these courts can be called upon to exercise only judicial powers and to perform only judicial work. Judicial power and judicial work involve essentially the application and interpretation of the law in the decision of real differences, that is, in the language of the Constitution, the decision of “Cases” and “Controversies.” The courts cannot be called upon to make laws—the function of the Legislative Department—nor to enforce and execute laws—the function of the Executive Department.

Secondly, Federal judges “hold their Offices during good Behavior”, that is, as long as they desire to be judges and perform their work. They can be removed from office against their will only by impeachment.

Third, the Constitution provides that the “Compensation” of Federal judges “shall not be diminished during their continuance in office.” Neither the President nor the Congress can reduce the salary of a Federal judge.

These three provisions—for judicial work only, for holding office during good behavior, and for undiminished compensation—are designed to assure judges of independence from outside influence so that their decisions may be completely impartial.

STATE AND UNITED STATES COURT SYSTEMS

Throughout the United States there are two sets of judicial systems. One set is that of the State and local courts established in each State under the authority of the State government. The other is that of the United States courts set up under the authority of the Constitution by the Congress of the United States.

The State courts have general, unlimited power to decide almost every type of case, subject only to the limitations of State law. They are located in every town and county and are the tribunals with which citizens most often have contact. The great bulk of legal business concerning divorce and the probate of estates and all other matters except those assigned to the United States courts, is handled by these State courts.

The United States courts, on the other hand, have power to decide only those cases in which the Constitution gives them authority. They are located principally in the larger cities. The controversies in only a few carefully selected types of cases set forth in the Constitution can be heard in the United States courts.

CASES WHICH THE UNITED STATES COURTS CAN DECIDE

The controversies which can be decided in the United States courts are set forth in section 2 of Article III of the United States Constitution. These are first of all "Controversies to which the United States shall be a party," that is, cases in which the United States Government itself or one of its officers is either suing someone else or is being sued by another party. Obviously it would be inappropriate that the United States Government depend upon the State governments for the courts in which to decide controversies to which it is a party.

Secondly, the United States courts have power to decide cases where State courts are inappropriate or might be suspected of partiality. Thus, Federal judicial power extends "to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, * * *." If the State of Missouri sues the State of Illinois for pollution of the Mississippi River, the courts of either Missouri or Illinois would be inappropriate and perhaps not impartial forums. These suits may be decided in the United States courts. At various times State feeling in our country has run high, and it has seemed better to avoid any suspicion of favoritism by vesting power to decide these controversies in the United States courts.

State courts are also inappropriate in "Cases affecting Ambassadors, other public Ministers and Consuls" and in cases "between a State, or the Citizens thereof, and foreign States, Citizens, or Subjects." The United States Government has responsibility for our relations with other nations, and cases involving their representatives or their citizens may affect our foreign relations so that such cases should be decided in the United States courts.

And, thirdly the Constitution provides that the judicial power extends "to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority" and "to all Cases of admiralty and maritime jurisdiction." Under these provisions the United States courts decide cases involving the Constitution, laws enacted by Congress, treaties, or laws relating to navigable waters.

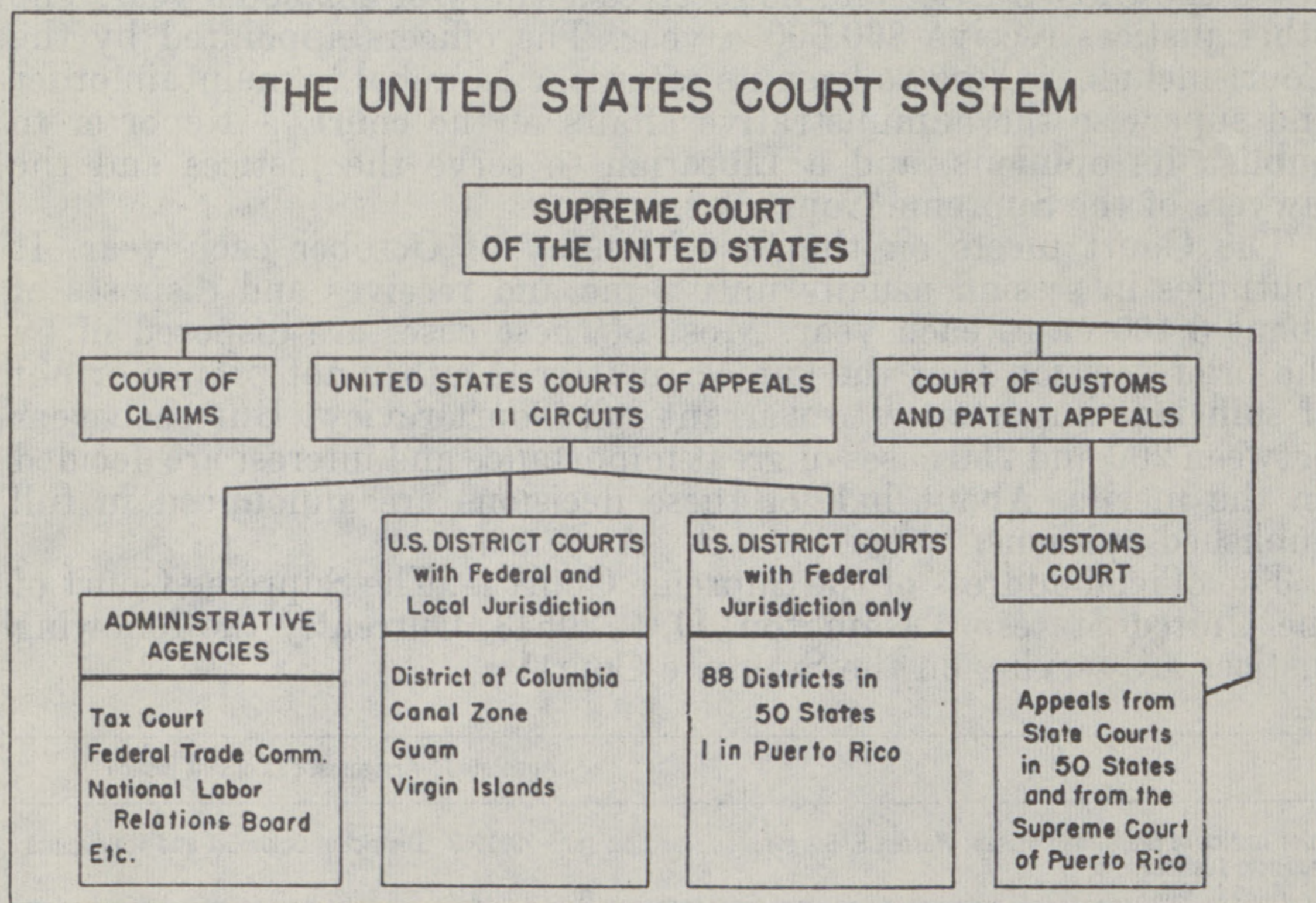
The Constitution declares what cases may be decided in the United States courts. The Congress can and has determined that some of these cases may also be tried in State courts and that others may be tried only in the United States courts. Thus Congress has provided

that, with some exceptions, cases arising under the Constitution or laws of the United States or between citizens of different States may be tried in the United States courts only if the amount involved exceeds \$10,000 and even then may be tried in either the State or the United States courts. The Congress has also provided that maritime cases and suits against consuls can be tried only in the United States courts. When a State court decides a case involving Federal law, it in a sense acts as a United States court, and its decision on Federal law may be reviewed by the United States Supreme Court.

In any event this discussion should make it clear that the United States courts cannot decide every case which arises, but only those which the Constitution and the laws enacted by the Congress allot to them. And as you may suspect from the length of this discussion, whether a case is one which may be decided by the United States courts is an extremely technical and complicated matter which lawyers and judges frequently spend a great deal of time resolving.

THE UNITED STATES COURT SYSTEM

The United States court system to which decision of the types of cases just discussed has been entrusted has varied a great deal throughout the history of our country. The Constitution merely provides: "The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." Thus, the only indispensable court is the Supreme Court, and the Congress has from time to time established and abolished various other United States courts.



At the present time the United States court system may be likened to a pyramid. At the apex of the pyramid stands the Supreme Court of the United States, the highest court in the land. On the next level

stand the United States courts of appeals, 11 in all. On the next level stand the United States district courts, 89 in all, the United States District Court for the District of Columbia and the district courts in the Canal Zone, Guam, and the Virgin Islands. In a sense certain administrative agencies may be included here because the review of their decisions may be directly in the courts of appeals. Some agency reviews, however, are handled by the district courts.

A person involved in a suit in a United States court may thus proceed through three levels of decision. His case will be heard and decided by one of the courts or agencies on the lower level. If either party is dissatisfied with the decision rendered, he may usually have review of right in one of the courts of appeals. Then, if he is still dissatisfied, but usually only if his case involves a matter of great national importance, he may obtain review in the Supreme Court of the United States.

This pyramidal organization of the courts serves two purposes. First, the Supreme Court and the courts of appeals can correct errors which have been made in the decisions below. Secondly, these higher courts can assure uniformity of decision by reviewing cases where two or more lower courts have reached different results. The chart on page 3 shows the organization of the United States courts.

THE SUPREME COURT

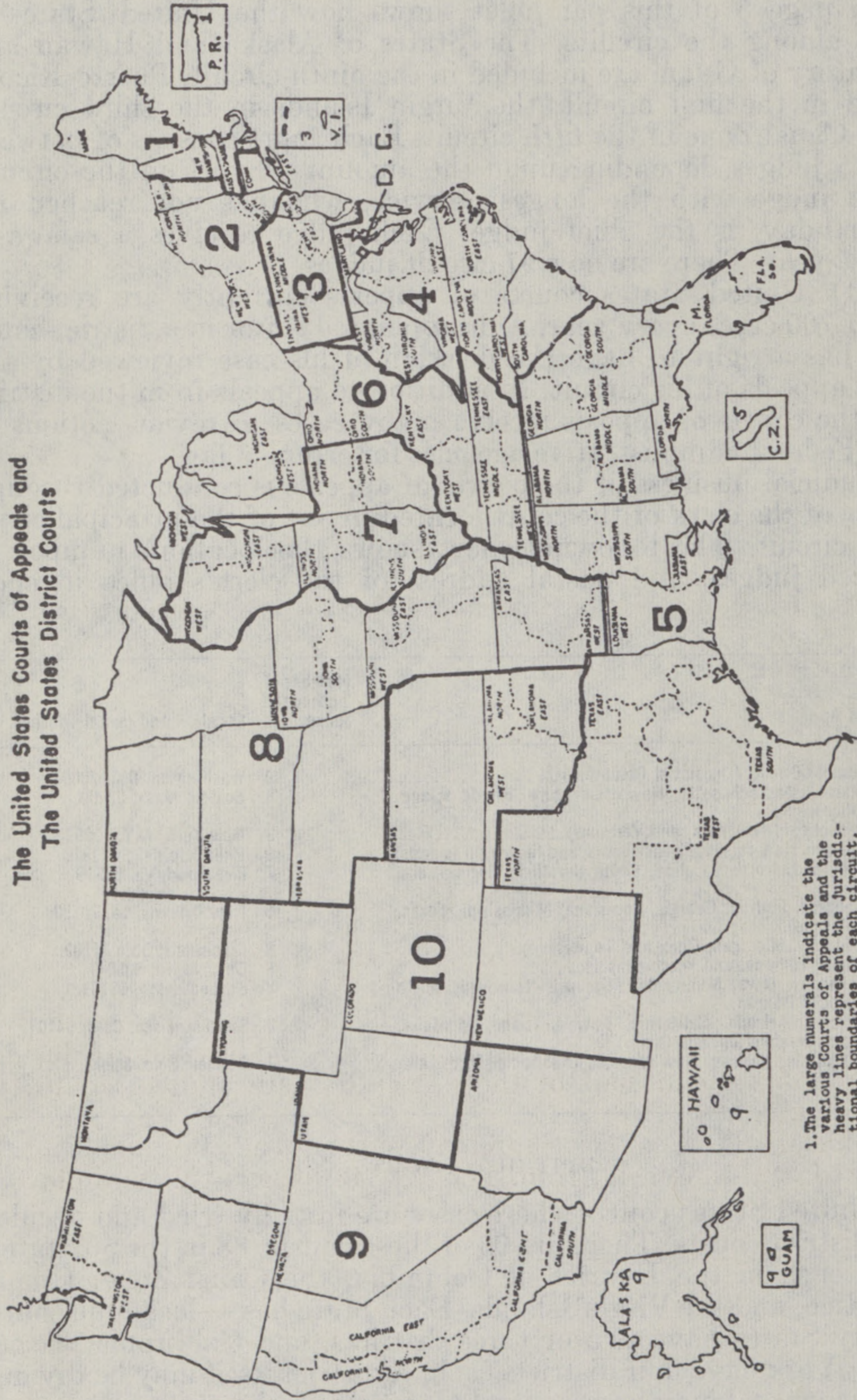
The highest court is the Supreme Court of the United States. It consists of nine Justices, appointed for life by the President with the advice and consent of the United States Senate. One Justice is designated the Chief Justice and he receives a salary of \$62,500 a year. The other justices receive \$60,000 a year. The officers appointed by the Court include a Clerk to keep its records, a Marshal to maintain order and supervise the administrative affairs of the court, a Reporter to publish its opinions, and a Librarian to serve the justices and the lawyers of the Supreme Court bar.

The Court meets on the first Monday of October each year. It continues in session usually until June and receives and disposes of about 3,400 cases each year. Most of these cases are disposed of by the brief decision that the subject matter is either not proper or not of sufficient importance to warrant full Court review. But each year between 200 and 250 cases of great importance and interest are decided on the merits. About half of these decisions are announced in full published opinions.

The official address of the Supreme Court is: The Supreme Court of the United States, Washington, D.C. 20543. Currently the following justices are serving on the Supreme Court:

	Appointed	Assignment as circuit justice
Chief Justice of the United States: Warren E. Burger.....	June 23, 1969	District of Columbia and 4th circuits.
Associate Justices:		
Hugo L. Black.....	Aug. 18, 1937	5th circuit.
William O. Douglas.....	Apr. 15, 1939	9th circuit.
John M. Harlan.....	Mar. 17, 1955	2d circuit.
William J. Brennan, Jr.....	Oct. 15, 1956	1st and 3d circuits.
Potter Stewart.....	Oct. 14, 1958	6th circuit.
Byron R. White.....	Apr. 12, 1962	10th circuit.
Thurgood Marshall.....	Aug. 30, 1967	7th circuit.
Harry A. Blackmun.....	June 9, 1970	8th circuit.

The United States Courts of Appeals and The United States District Courts



1. The large numerals indicate the various Courts of Appeals and the heavy lines represent the jurisdictional boundaries of each circuit.
2. The broken lines represent jurisdictional boundaries of District Courts in States having more than one District.

COURTS OF APPEALS

The intermediate appellate courts in the United States judicial system are the courts of appeals in 11 circuits. Each circuit includes three or more States, except the District of Columbia Circuit. The map on page 5 of this pamphlet shows how the United States is divided among the circuits. The States of Alaska and Hawaii and the territory of Guam are included in the ninth circuit, Puerto Rico is included in the first circuit, the Virgin Islands in the third circuit, and the Canal Zone in the fifth circuit. Each court consists of between 3 and 15 judges depending upon the amount of work in the circuit, and the judge with the longest service, who has not reached his 70th birthday, is the chief judge. Each judge receives a salary of \$42,500 a year. There are now 97 circuit judges.

The 11 United States courts of appeals currently are receiving about 11,700 cases every year. A disappointed suitor in a district court usually has a right to have the decision of his case reviewed by the court of appeals of his circuit. In addition to appeals from the district courts, the courts of appeals receive many cases to review actions of various Federal administrative agencies for errors of law.

The judicial business of the courts of appeals is conducted through the office of the clerk of the court located in one of the principal cities in each circuit. The following chart shows the location, number of authorized judges, and postal address of the clerk's office in each circuit.

Court of Appeals	Number of authorized judgeships	Location and postal address
District of Columbia Circuit (District of Columbia)-----	9	Washington, D.C. 20001.
1st Circuit (Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico).	3	Boston, Mass. 02109.
2d Circuit (Connecticut, New York, and Vermont)-----	9	New York, N.Y. 10007.
3d Circuit (Delaware, New Jersey, Pennsylvania, and the Virgin Islands).	9	Philadelphia, Pa. 19107.
4th Circuit (Maryland, North Carolina, South Carolina, Virginia, and West Virginia).	7	Richmond, Va. 23219.
5th Circuit (Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and the Canal Zone).	15	New Orleans, La. 70130.
6th Circuit (Kentucky, Michigan, Ohio, and Tennessee)-----	9	Cincinnati, Ohio 45202.
7th Circuit (Illinois, Indiana, and Wisconsin)-----	8	Chicago, Ill. 60604.
8th Circuit (Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota).	8	St. Louis, Mo. 63101.
9th Circuit (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and Guam).	13	San Francisco, Calif. 94101.
10th Circuit (Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming).	7	Denver, Colo. 80202.

DISTRICT COURTS

The United States courts where cases are initially tried and decided are the district courts. There are 93 of these courts, 88 in the 50 States, and one each in the District of Columbia, the Canal Zone, Guam, Puerto Rico, and the Virgin Islands. Each State has at least one court; but many States have two or three districts, and California, Texas, and New York have four districts each. A district itself may be divided into divisions and may have several places where the court hears cases. Each district has from 1 to 27 judges depending upon the volume of cases which must be decided. For each district there is a clerk's office, a United States marshal's office, and one or more referees in bankruptcy, United States magistrates, probation officers and court reporters. In addition, there is a United States attorney's office in each

district. Four hundred and one district judgeships are authorized by law, and the salary of each judge is \$40,000 a year. In districts having two or more judges, the judge senior in service who has not reached 70 years of age is the chief judge. The district courts are currently receiving about 87,300 civil cases, 38,100 criminal cases, and 194,400 bankruptcy cases every year.

Some district courts, namely those in the District of Columbia, the Canal Zone, Guam, and the Virgin Islands, have jurisdiction over local cases as well as those arising under Federal law. These courts thus differ in several respects from the other 89 United States district courts. In these places the Federal Government does not share the judicial power as it does with the State governments in the several States and with the Commonwealth Government in Puerto Rico. Thus, these courts are not limited to the types of cases defined in the Constitution as part of the Federal judicial power, but decide all types of cases as do State courts. Then, too, the judges in the Canal Zone, Guam and the Virgin Islands are not appointed for life, but for terms of 8 years, and are not protected against diminution of their salaries during their terms of office. These courts may also be given duties which are not strictly judicial in nature.

Because of these differences, territorial courts have been called "legislative courts" to distinguish them from the "constitutional courts." The name indicates that these courts have been created, not in the exercise of Congress' power to establish courts under the judiciary article of the Constitution, but under its powers in the legislative article over the Territories and other fields of Federal authority. The United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia, although they may be given work outside the judiciary article, are constitutional courts.

The chart appearing in the appendix gives the location of the principal office of the clerk of each district court, the number of authorized district judgeship positions for the district, and the postal address.

THE UNITED STATES COURT OF CLAIMS

The official seal of the United States Court of Claims describes it as "For the Republic and For its Citizens." The court was established in 1855 and has since been known as the "keeper of the nation's conscience," for it is here that the individual citizen or corporation may sue the Federal Government for money damages in a wide variety of claims wherein the Congress has waived the sovereign immunity of the United States. Aliens and their governments may also bring suits provided their courts give us the same privilege.

The Court of Claims is a constitutional court and has nationwide jurisdiction. Its seven judges sit in Washington, D.C., but there are 15 commissioners who serve as the trial judges of the court and sit in any section of the country most convenient to the parties. An individual commissioner hears evidence in a case in the same manner as a Federal district judge does in conducting a trial without a jury. In each case the commissioner thereafter prepares findings of fact, an opinion, and recommendations for conclusions of law which are, on exceptions by a party, reviewed by a panel of three judges, as authorized by law, or by the Court sitting *en banc*. The court's final judgments are subject to review by the Supreme Court on writ of *certiorari*.

In complex cases, where there is no legal right to recover, either House of Congress may refer such a claim to the chief commissioner of the Court for findings and a recommendation as to whether there is an equitable basis upon which Congress itself should compensate the claimant.

This is a busy court with a heavy docket of cases, and a large volume of decisions is handed down annually. The usual case is a technical one involving complicated issues and large amounts, for there is no monetary ceiling on the court's jurisdiction. Suits against the Government for money damages must be tried in the Court of Claims if the amount exceeds \$10,000 except in tax refund claims where the district courts have concurrent jurisdiction, and in tort claims where district courts have exclusive jurisdiction. The court has appellate jurisdiction over the district courts in tort cases by agreement of the parties. It also has appellate jurisdiction over the Indian Claims Commission.

The Federal Government is the nation's largest contractor, purchaser and employer. The complexity of its operations and their impact on individual citizens is nowhere better illustrated than in the litigation in this court.

Citizens who pay Federal taxes under formal protest may sue in the Court of Claims for refunds with interest. Citizens may bring suits for damages for the taking of private property for public use without just compensation in violation of the Fifth Amendment to the Constitution. Constitutional and statutory rights are constantly in issue. Often they involve personnel of the military services, active and retired, and their dependents. Civil service employees seek back pay for alleged illegal dismissal from office. Contractors sue for breach of contract. Oyster growers have sought compensation for damages to their beds by dredging operations for harbor or channel improvements. Farmers blame the Army Engineers for building structures in rivers that allegedly cause floods upon their lands. Inventors find this court the only one where they can claim patent infringements by the Government. They appear in a wide variety of matters, many reflecting the nation's involvement in procurement of sophisticated weapons' system for national defense.

This special court hears the largest claims in the world. But, the court prides itself on giving the same careful consideration to small claims. In most cases it is the court of first and last resort for the citizen who challenges the might of the State. In the Court of Claims the Federal Government is just another litigant with no more nor fewer rights than those of the humblest citizen.

THE UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS AND THE UNITED STATES CUSTOMS COURT

Two other special courts have been created by the Congress to deal with particular types of cases. The United States Court of Customs and Patent Appeals consists of five judges appointed for life and hears appeals from the Customs Court, the Tariff Commission and the Patent Office. Appeals from the decisions of this court may be heard by the United States Supreme Court on writ of *certiorari*.

The Customs Court consists of nine judges appointed for life and determines controversies concerning the classification and valuation of imported merchandise. The court sits at New York City and from time to time at other major port cities.

The following chart shows the location, number of authorized judgeships and postal addresses of the three special courts:

Court	Number of authorized judgeships	Location and postal address
Court of Claims.....	7	717 Madison Place NW., Washington, D.C. 20005.
Court of Customs and Patent Appeals.....	5	717 Madison Place NW., Washington, D.C. 20005.
Customs Court.....	9	1 Federal Plaza, New York, N.Y. 10007.

JUDICIAL COUNCILS AND CONFERENCES AND THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

In addition to maintaining courts, the Judicial Branch of the United States Government includes several organs for its own administration and self-government, and for the study and formulation of new procedures to reduce problems of the law's delay. The courts govern themselves through Judicial Councils and Judicial Conferences in each of the 11 circuits and through the Judicial Conference of the United States for all the circuits. Each circuit has a Judicial Council consisting of the judges of its Court of Appeals, which has the power to take such steps, including particularly the assignment of judges, as may be required to dispose efficiently of the volume of cases in each district. The Judicial Conference of the circuit consists of all the district and circuit judges in that circuit and invited members of the bar who meet together annually to discuss common problems and to make recommendations for the improvement of the administration of justice.

On the national level, the Judicial Conference of the United States consists of the Chief Justice of the United States, the chief judges of the 11 circuits, the Chief Judge of the Court of Claims, the Chief Judge of the Court of Customs and Patent Appeals, and a district judge from each circuit chosen for a term of 3 years by the judges of the circuit at an annual Judicial Conference of the Circuit. The Judicial Conference of the United States meets at least once every year to resolve administrative problems affecting all the circuits and to make recommendations to Congress concerning legislation affecting the Federal judicial system.

The administrative duties of the Federal court system are performed by the Administrative Office of the United States Courts which prepares and submits to Congress the budget for the courts; receives reports from and exercises some degree of supervision over the clerical staffs of the courts, the probation officers, referees in bankruptcy, United States magistrates, reporters, and other court personnel; audits and disburses money for the operation of the courts through the United States marshals; compiles and publishes statistics on the volume and distribution of business in the courts; supplies a professional secretariat and legal and statistical services to committees of the Judicial Conference of the United States; and conducts

studies of court procedures under the direction of and for the Judicial Conference, and for other interested groups including committees of the Congress.

THE FEDERAL JUDICIAL CENTER

In 1968 the Congress passed Public Law 90-219 authorizing the establishment of a Federal Judicial Center to carry on research activities and to conduct training programs for judges and other court personnel. The Judicial Center is the research and development arm for the Federal judiciary. An independent Board made up of the Chief Justice of the United States, Chairman, two circuit judges, three district judges, and the Director of the Administrative Office of the United States Courts, guides the work of the Center and appoints its Director. The circuit and district judges who are members of the Board are elected by the Judicial Conference of the United States and they serve for staggered terms. This new establishment is a sister agency to the Administrative Office of the United States Courts.

The Judicial Center is concerned with solving problems of court congestion by developing new methods and procedures for improving efficiency in the management of court affairs. Its education and training activities include orientation programs or seminars for newly appointed judges, United States magistrates, referees in bankruptcy and other court officials, as well as training sessions for clerks and deputy clerks.

The Director is Honorable Alfred P. Murrah, a Senior Judge who has retired from active judicial service on the United States Court of Appeals for the Tenth Circuit. At the present time the headquarters of the Center are in historic Dolley Madison House located on the east side of Lafayette Square, 1520 H Street, NW., in Washington, D.C.

LAW AND PROCEDURE IN THE UNITED STATES COURTS

The organization of the United States courts set up to handle the types of cases designated in the Constitution for decision by the Judicial Branch of the Federal Government has been described. For many years there was much confusion as to whether these types of cases were merely to be decided by a different court system or whether in addition they were to be decided according to different rules of law and a different procedure.

The question of the rule of law to apply in these types of cases was largely determined by the supremacy clause making the Constitution, statutes, and treaties of the United States Government the supreme law of the land. However, until 1938 the United States courts in suits between citizens of different States also purported to apply a general law, not the law of any State; but now it is settled that the law applied in the United States courts is the same as the law which would be applied in a State court in similar cases.

The question of procedure, conversely, was long governed by the rule that the United States courts, except where Federal statutes otherwise provided, followed the procedure of the courts in the State where they were sitting. However, again in 1938, Rules of Civil Procedure prepared by an advisory committee and approved by the Supreme Court became effective to give the United States courts their own rules of practice. And in 1946 Federal Rules of Criminal Procedure prepared in a similar fashion became effective. Both rules of practice have

adopted the simplest, most modern, and best procedure and have been models for procedural reform in the States. In 1966 these Rules of Civil and Criminal Procedure were extensively revised and up-dated. Then in 1968 the Supreme Court adopted uniform rules of Federal Appellate Procedure for the United States Courts of Appeals. Thus, today the United States courts decide cases involving citizens of different States according to the same rules of law as would govern the case in a State court, but decide them by Federal procedure.

ILLUSTRATION: AN AUTOMOBILE ACCIDENT

This whole rather complex problem of the various cases that may be tried in the United States courts may be illustrated for you by the story of an automobile collision. Bill Smith from Chicago, driving his car on an Illinois road, has a collision with another vehicle. Ordinarily no suit arising out of that accident could be tried in a United States court; it would be heard and decided in a State court. But if the other vehicle were an army truck driven by a soldier, Bill Smith may want to sue the United States, or the United States may decide to sue Bill Smith. In either event Bill Smith or the United States may commence a suit in the United States district court in Illinois.

If the other vehicle belonged to a private person who lived in Illinois, Bill Smith or the other owner may sue only in the State court, unless under certain circumstances the suit involved some provision of the Federal statutes or the Federal Constitution. If, on the other hand, the other vehicle belonged to John Jones who lived in St. Louis, Mo., then either John Jones or Bill Smith may sue in a United States district court because they were from different States.

These possible suits have been civil cases brought to compensate the parties for damage done, and it is unlikely that a criminal case brought by the Government would arise. Yet, if either Bill Smith or the other driver had been handling his car so recklessly as to warrant a criminal prosecution for reckless driving, manslaughter, etc., the suit would be brought by the State of Illinois in the State court. Let us suppose, however, that the other driver was in a car which he had stolen in Indiana and had driven into Illinois. Then that driver might be prosecuted by the United States Government in the United States district court under Federal law for transporting a stolen automobile from one State into another.

If either Bill Smith or his adversary is dissatisfied with the decision of the United States district court, he may appeal to a United States court of appeals, and is still dissatisfied after a decision by that court, he may seek review in the United States Supreme Court on questions of Federal law which arose in the proceedings. So you can see how an accident usually gives rise to suits which can be tried in State courts only, but which under special circumstances may be tried or reviewed in the United States courts.

THE WORK OF THE UNITED STATES DISTRICT COURTS

The work of the United States district courts is partly reflected in the statistics on the types of cases which are filed every year. In the fiscal year ended June 30, 1970, exactly 87,321 civil cases were filed in these courts. Of these 24,965 involved the United States either as a

party plaintiff or party defendant. The United States as plaintiff commenced about 550 cases under the food and drug laws, 2,430 cases to collect money due on promissory notes, 3,250 civil commitment proceedings under the Narcotic Addict Rehabilitation Act, and about 6,750 other cases. The United States was a defendant in about 1,600 habeas corpus cases and 1,730 cases involving motions to vacate criminal sentences, 1,980 Tort Claims Act cases, 1,285 tax cases and many others. These figures show the important role the district courts play in enforcing Federal statutes and in achieving justice even when the United States Government is involved in a law suit.

Private parties brought into the district courts during 1970 fiscal year 62,356 cases of which 34,846 involved questions arising under Federal laws. The largest category of these cases (about 11,600) was that involving petitions for writs of habeas corpus by persons held in custody who have alleged violations of Federal constitutional rights. About 23,000 cases came into the district courts in suits between private persons from different States. Of this number about 7,600 were concerned with personal injuries arising out of motor vehicle accidents. An additional 4,656 civil cases of a local nature were filed in the District Court for the District of Columbia and in the territorial courts.

Of the 38,102 criminal cases brought into the district courts during the year ended June 30, 1970, 3,700 involved embezzlement or fraud, 3,860 forgery and counterfeiting, 4,090 the interstate transportation of a stolen automobile, 1,360 failure to pay the tax on alcoholic beverages and 3,700 the violation of the Selective Service laws. The remainder involved the violation of a host of other laws. In these criminal cases the United States courts share with the officers of the law and the United States attorneys the enforcement of criminal laws for the protection of all citizens.

An important work performed by the United States district courts is the supervision by probation officers of persons convicted of crimes, but placed on probation rather than sent to prison. During the fiscal year 1970 over 13,500 persons were placed on probation by the district courts. Thus, the Federal prisons were relieved of an expensive burden and these persons were afforded a greater chance of "going straight" away from contaminating prison influences. In addition, during the year the probation officers received for supervision from prison authorities 7,100 persons released on parole, or other release procedure. On June 30, 1970, the probation officers had under supervision over 38,400 persons. The work of the probation officers also includes an investigation of almost every person convicted of crime in a district court and the submission to the court of a report to be used by the judge in determining the sentence to be imposed.

During the fiscal year 1970 the referees in bankruptcy attached to the district courts undertook the administration of the property of approximately 194,400 persons unable to pay their debts, for the purpose of enabling creditors to receive a proper share of the money due to them.

In its work of enforcing the Federal laws, deciding controversies between citizens, sentencing convicted criminal defendants, distributing the estates of debtors and rehabilitating violators of the law, the United States courts perform an essential and vital function in the American pattern of democratic government.

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*Assistant Director for Legal Affairs,
 Administrative Office of
 The United States Courts.*

WASHINGTON, D.C., February 1, 1971.

APPENDIX

U.S. DISTRICT COURT DIRECTORY AS OF FEB. 1, 1971

District court	Number of authorized judgeships ¹	Location and postal address
Alabama:		
Northern district.....	4	Birmingham, Ala. 35202.
Middle district.....	2	Montgomery, Ala. 36101.
Southern district.....	2	Mobile, Ala. 36602.
Alaska.....	2	Anchorage, Alaska 99501.
Arizona.....	5	Phoenix, Ariz. 85025.
Arkansas:		
Eastern district.....	2	Little Rock, Ark. 72203.
Western district.....	2	Fort Smith, Ark. 72902.
California:		
Northern district.....	11	San Francisco, Calif. 94102.
Eastern district.....	3	Sacramento, Calif. 95841.
Central district.....	16	Los Angeles, Calif. 90012.
Southern district.....	5	San Diego, Calif. 92101.
Canal Zone.....	1	Ancon, C.Z.
Colorado.....	4	Denver, Colo. 80201.
Connecticut.....	4	New Haven, Conn. 06505.
Delaware.....	3	Wilmington, Del. 19899.
District of Columbia.....	15	Washington, D.C. 20001.
Florida:		
Northern district.....	2	Tallahassee, Fla. 32302.
Middle district.....	6	Jacksonville, Fla. 32201.
Southern district.....	7	Miami, Fla. 33101.
Georgia:		
Northern district.....	6	Atlanta, Ga. 30301.
Middle district.....	2	Macon, Ga. 31202.
Southern district.....	2	Savannah, Ga. 31402.
Guam.....	1	Agana, Guam 96910.
Hawaii.....	2	Honolulu, Hawaii 96803.
Idaho.....	2	Boise, Idaho 83702.
Illinois:		
Northern district.....	13	Chicago, Ill. 60604.
Eastern district.....	2	East St. Louis, Ill. 62202.
Southern district.....	2	Springfield, Ill. 62705.
Indiana:		
Northern district.....	3	Hammond, Ind. 46325.
Southern district.....	4	Indianapolis, Ind. 46204.
Iowa:		
Northern district.....	1½	Cedar Rapids, Iowa 52401.
Southern district.....	1½	Des Moines, Iowa 50309.
Kansas.....	4	Wichita, Kans. 67201.
Kentucky:		
Eastern district.....	2½	Lexington, Ky. 40501.
Western district.....	3½	Louisville, Ky. 40202.
Louisiana:		
Eastern district.....	10	New Orleans, La. 70130.
Western district.....	4	Shreveport, La. 71102.
Maine.....	1	Portland, Maine 04112.
Maryland.....	7	Baltimore, Md. 21202.
Massachusetts.....	6	Boston, Mass. 02109.
Michigan:		
Eastern district.....	10	Detroit, Mich. 48226.
Western district.....	2	Grand Rapids, Mich. 49502.
Minnesota.....	4	St. Paul, Minn. 55101.
Mississippi:		
Northern district.....	2	Oxford, Miss. 38655.
Southern district.....	3	Jackson, Miss. 39205.

¹ Footnote at end.

APPENDIX—Continued

U.S. DISTRICT COURT DIRECTORY AS OF FEB. 1, 1971—Continued

District court	Number of authorized judgeships ¹	Location and postal address
Missouri:		
Eastern district.....	4	St. Louis, Mo. 63101.
Western district.....	4	Kansas City, Mo. 64106.
Montana.....	2	Butte, Mont. 59701.
Nebraska.....	3	Omaha, Nebr. 68101.
Nevada.....	2	Reno, Nev. 89502.
New Hampshire.....	1	Concord, N.H. 03302.
New Jersey.....	¹ 10	Trenton, N.J. 08605.
New Mexico.....	3	Albuquerque, N. Mex., 87103.
New York:		
Northern district.....	2	Utica, N.Y. 13503.
Eastern district.....	9	Brooklyn, N.Y. 11201.
Southern district.....	27	New York, N.Y. 10007.
Western district.....	3	Buffalo, N.Y. 14202.
North Carolina:		
Eastern district.....	¹ 3	Raleigh, N.C. 27602.
Middle district.....	2	Greensboro, N.C. 27402.
Western district.....	2	Asheville, N.C. 28802.
North Dakota.....	2	Fargo, N. Dak. 58103.
Ohio:		
Northern district.....	8	Cleveland, Ohio 44114.
Southern district.....	5	Columbus, Ohio 43215.
Oklahoma:		
Northern district.....	1 $\frac{2}{3}$	Tulsa, Okla. 74103.
Eastern district.....	1 $\frac{2}{3}$	Muskogee, Okla. 74402.
Western district.....	2 $\frac{2}{3}$	Oklahoma City, Okla. 73102.
Oregon.....	3	Portland, Oreg. 97205.
Pennsylvania:		
Eastern district.....	19	Philadelphia, Pa. 19107.
Middle district.....	¹ 4	Scranton, Pa. 18501.
Western district.....	10	Pittsburgh, Pa. 15219.
Puerto Rico.....	3	San Juan, P.R. 00905.
Rhode Island.....	2	Providence, R.I. 02903.
South Carolina.....	5	Columbia, S.C. 29201.
South Dakota.....	2	Sioux Falls, S. Dak. 57101.
Tennessee:		
Eastern district.....	3	Knoxville, Tenn. 37901.
Middle district.....	2	Nashville, Tenn. 37203.
Western district.....	3	Memphis, Tenn. 38103.
Texas:		
Northern district.....	6	Dallas, Tex. 75221.
Eastern district.....	3	Beaumont, Tex. 77704.
Southern district.....	8	Houston, Tex. 77601.
Western district.....	5	San Antonio, Tex. 78206.
Utah.....	2	Salt Lake City, Utah 84101.
Vermont.....	2	Burlington, Vt. 05402.
Virginia:		
Eastern district.....	6	Norfolk, Va. 23510.
Western district.....	2	Roanoke, Va. 24006.
Virgin Islands.....	1	St. Thomas, V.I. 00801.
Washington:		
Eastern district.....	1 $\frac{1}{2}$	Spokane, Wash. 99210.
Western district.....	3 $\frac{1}{2}$	Seattle, Wash. 98104.
West Virginia:		
Northern district.....	1 $\frac{1}{2}$	Elkins, W. Va. 26241.
Southern district.....	2 $\frac{1}{2}$	Charleston, W. Va. 25301.
Wisconsin:		
Eastern district.....	3	Milwaukee, Wis. 53202.
Western district.....	1	Madison, Wis. 53701.
Wyoming.....	1	Cheyenne, Wyo. 82001.

¹ The use of fractions indicates that a judge is authorized to serve in more than 1 district. Included in these figures are 3 temporary judgeship positions which will expire as vacancies occur. Under the law creating these positions it was provided that the 1st vacancies occurring thereafter may not be filled. These temporary positions are located in the district of New Jersey, the eastern district of North Carolina and the middle district of Pennsylvania.

BIBLIOGRAPHY

The United States Government Organization Manual, 1969-70, Superintendent of Documents, Government Printing Office, Washington, D.C., \$3.00.

Bunn, Jurisdiction and Practice of the Courts of the United States (5th ed. 1949).

The Constitution of the United States of America. Revised and Annotated. U.S. Library of Congress, Legislative Reference Service. Washington, D.C., Government Printing Office, 1964.

Dimock, American Government in Action (1946), particularly pp. 479-483.

"Supreme Court, United States", by Felix Frankfurter in Vol. 14 of the Encyclopedia of the Social Sciences 474 (1934).

Frankfurter and Landis. The Business of the Supreme Court (1927).

Hart and Wechsler, The Federal Courts and the Federal System. Brooklyn, New York. The Fountain Press (1953).

Hurst, Willard. The Growth of American Law (1950).

Warren, Supreme Court in United States History, Boston. Little, Brown and Company, 1926 (Revised Edition, 2 volumes).

Wolfson and Kurland, Jurisdiction of the Supreme Court of the United States (By Reynolds Robertson and Francis R. Kirkham, 1936. Revised Edition by Wolfson and Kurland, 1951). New York, Matthew Bender & Company, Inc.

Wright, Federal Courts, West Publishing Co., St. Paul, Minn., 1963.

"The Federal Courts," 13 Law & Contemporary Problems 1-273 (Winter 1948).

Annual Reports of the Director of the Administrative Office of the United States Courts.

Title 28, United States Code, contains the law governing the organization of the United States courts and court officers.



