



UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

A BRIEF HISTORY

The United States District Court for the District of Minnesota was established on May 11, 1858 when Congress admitted the State of Minnesota to the Union. Originally constituted as a single district with one judge, the district now has seven active judges and two judges on senior status. A total of twenty-six men and women have served as federal district judges since the court's inception. These judges are listed in the Table of Succession included as an appendix.

The first United States District Judge for the District of Minnesota was Judge Rensselaer Nelson. Prior to his appointment, Judge Nelson had served as a territorial judge, ruling on such controversies as whether the territorial legislature could move the capitol from St. Paul to St. Peter. Appeals from Judge Nelson's decisions were taken to the Ninth Circuit until 1866, when the District of Minnesota was transferred to the Eighth Circuit.

The court's jurisdiction has always included both civil and criminal matters, but its caseload has varied with the times. In the early 1900s, the court heard many cases involving real estate disputes, reflecting Minnesota's rapid settlement during the period prior to World War I. The court was also called upon to rule on the introduction of liquor into Indian territory and, after 1917, on the enforcement of the nation's liquor laws during Prohibition.

In the late 1950s, the court considered one of the first constitutional challenges to legislative redistricting, holding the court had the power to decide whether the boundaries drawn by the legislature violated the equal protection clause of the Fourteenth Amendment. During the Vietnam War, the court heard cases involving draft protestors and conscientious objectors. That same time period brought increased litigation in the areas of civil rights, the right to an abortion, and the enforcement of environmental laws.

In the early 1970s, parties brought before the court cases concerning the desegregation of the Minneapolis public schools and the exclusion of women from high school interscholastic athletics. Antitrust cases involving the National Football League and patent cases involving the inventor of the modern computer were also presented to the court in the early 1970s.

Constitutional cases in the past decade have included challenges to a policy of strip searching all persons detained in the county jail and to a statute authorizing tax deductions for private school tuition. The court also considered whether Minnesota's civil rights law could constitutionally be applied to forbid the United States Jaycees from discriminating against women.

In recent years the court's docket has increasingly become dominated by criminal cases. The court's history includes some dramatic criminal trials, including the

prosecution of gangsters like Roger Touhy and Arthur (Doc) Barker and the prosecution of the kidnappers of William Hamm, whose family owned the Hamm's Brewery in St. Paul. Criminal cases today often involve drug, fraud, racketeering, and conspiracy charges.

A steady increase in both civil and criminal matters has resulted in numerous changes in the way the court handles its caseload. Law clerks were first hired in the 1950s, and in 1968 the court changed from a master calendar to an individual calendar system. Under the old master calendar system, cases would not be assigned to a particular judge until a day or two before the trial was to begin. Judges would dispose of all pretrial matters in consolidated motion sessions or "cattle calls" which were held on alternating Mondays in Minneapolis and St. Paul. In 1970, the first part-time magistrates were hired to assist the court in deciding pretrial motions.

Minnesota federal judges have introduced several nationally-recognized innovations for handling civil and criminal cases. Judge William A. Cant was instrumental in introducing the presentence investigation in criminal cases, and Senior Judge Edward J. Devitt was the first to use a six-person jury by rule of court in civil trials. Judge Devitt also co-authored the widely-used reference work, "Federal Jury Practice and Instructions."

Although judges used to "ride circuit" to hold court throughout the state, judges today

sit in the Twin Cities and travel only to Duluth to hear cases. Chief Judge Donald D. Alsop, Judge Robert G. Renner, Judge Paul A. Magnuson, and Senior Judge Edward J. Devitt sit in St. Paul in the Warren E. Burger Federal Building & Courthouse, which was built in 1967. The old St. Paul Federal courts building, completed in 1902, has been restored as the Landmark Center and is now owned by Ramsey County.

Judges Harry H. MacLaughlin, Diana E. Murphy, James M. Rosenbaum, and David S. Doty sit in Minneapolis in the Federal Building at 110 South 4th Street. Senior Judge Earl R. Larson also maintains an office in Minneapolis, and often sits by designation on the Eighth Circuit Court of Appeals. The old Minneapolis Post Office & Federal Courts building at 3rd & Marquette was demolished in 1961, after the current Federal Building was completed. Funds have been appropriated for a new courthouse, and planning for its construction is underway.

United States Magistrate Judges assist the judges by hearing nondispositive preliminary motions, often relating to discovery matters. The magistrate judges also make reports and recommendations to the judges on selected dispositive matters. Magistrate Judges J. Earl Cudd, Floyd E. Boline, and Franklin L. Noel have chambers in the Twin Cities. Magistrate Judge Patrick J. McNulty sits in Duluth, and Magistrate Judge Randall R. Burg hears matters on a part-time basis in Bemidji.

Four U. S. Bankruptcy judges serve as the district's bankruptcy court. Since the first comprehensive bankruptcy law in 1898, the bankruptcy court has evolved from twelve part-time referees appointed to sit throughout the state to four full-time judges. Appeals from orders issued by bankruptcy judges and cases in which a jury is required continue to be handled by the district court. Chief Judge Robert J. Kressel, Judges Dennis D. O'Brien, Gregory F. Kishel, and Nancy C. Dreher have chambers and hold court in the Twin Cities; but they also travel to Duluth, Mankato, and Fergus Falls to hear bankruptcy matters.

More information on the history and functioning of the court is available in the offices of the Clerk of Court in Minneapolis, St. Paul, and Duluth. In addition to a booklet prepared by the court's Bicentennial Committee, History of the United States District Court for the District of Minnesota (1989), a one-hour video production, "Portraits of Justice", tells the story of the court through interviews with judges and other materials from the court's archives. Tapes of individual interviews with each of the ten living judges are also available.

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Table of Succession

