

Would You Like More Information ?

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, including a one-hour video presentation "Portraits of Justice," which tells the story of the court through interviews with judges and other materials from the court's archives. Tapes of individual interviews with judges are also available.

United States District Court
316 North Robert Street, #708
St. Paul, Minnesota 55101

Phone: 651-848-1100

United States District Court
300 South Fourth Street, Suite 202
Minneapolis, Minnesota 55415

Phone: 612-664-5000

United States District Court
515 West First Street
Duluth, Minnesota 55802

Phone: 218-529-3500

Other Sources of Information :

History of the United States District Court for the District of Minnesota, published in 1989 by the Bicentennial of the Constitution Committee for the District of Minnesota

Robert J. Sheran and Timothy J. Baland, "The Law, Courts, and Lawyers in the Frontier Days of Minnesota: An Informal Legal History of the Years 1835 to 1865," 2 Wm. Mitchell L. Rev. 1 (1976)

Paul Maccaee, John Dillinger Slept Here, Minnesota Historical Society Press (1995)

Thomas H. Boyd, "The Life and Career of the Honorable John B. Sandborn, Jr.," 23 Wm. Mitchell L. Rev. 203 (1997)

Scott McCartney, ENIAC: The Triumphs and Tragedies of the World's First Computer. Walker Publishing Co. (1999)

Cheryl W. Heilman, "Booker v. Special School District No. 1: A History of School Desegregation on Minneapolis, Minnesota," 12 Law & Inequality J. 127 (1993)

Photographs – Minnesota Historical Society Collection

Warren E. Burger Federal Building – St. Paul



Federal Building and U.S. Courthouse - Duluth



U.S. Courthouse – Minneapolis



Celebrating 150 years
1849 – 1999



United States District Court
for the District of Minnesota

The judicial system in Minnesota dates back 150 years, when the Minnesota Territory was established by Congress in 1849. The first territorial court term began on Monday, August 13, 1849, in Stillwater, Minnesota. *The Minnesota Pioneer* newspaper reported on the event as follows:

District Court at Stillwater

On Monday, Court was organized in due form, his Honor Judge Goodrich presiding, Judge Cooper, by courtesy, also sitting on the bench. The Grand Jury were called; but no quorum being present, after disposing of some preliminaries, Court was adjourned. On Tuesday morning a full jury was empanelled and sworn and very ably charged by the Court. The criminal docket was then called. Most of the defendants were without counsel, which embarrassed proceedings considerably. No cases of importance have come up. The roll of attorneys is large for a new country. About twenty of the lankiest and hungriest description were in attendance at the bar. People seemed to be pleased with the Court so far.

Through the nine years of the Territorial Court, Minnesota's territorial judges served in a dual capacity. In addition to holding trials and hearing motions as district court judges, they assembled "en banc" to hear appeals, reviewing their own decisions and perhaps even writing the appellate court opinion.

Minnesota Becomes A State: The United States District Court is Created

The United States District Court for the District of Minnesota was established in 1858, in the same act which created the State of Minnesota. The first United States District Judge -- Judge Rensselaer Nelson -- had served as a territorial judge for a little under a year before his appointment by President James Buchanan to the federal bench. As a territorial judge, Judge Nelson had ruled on a matter of great public interest: whether the territorial legislature could move the capitol from St. Paul to St. Peter (the capitol

stayed in St. Paul).

As was the custom, Judge Nelson "rode circuit" to hear cases, first in Preston and St. Paul, later in Winona and St. Paul. Judge Nelson served from 1858 to 1896. Shortly after his term, in 1902, the Old Federal Courts Building in St. Paul (now the Landmark Center) was completed. A year later, in 1903, Congress authorized a second judgeship for the District of Minnesota.



Honorable Aaron Goodrich



Honorable David Cooper

Early Cases: Real Estate, Railroad Expansion and Prohibition

Minnesota's transformation from a rough and ready territory to a more settled and organized state was reflected in the cases considered by the court during the early 1900s. In addition to many cases involving real estate disputes, one of the earlier published decisions, United States v. Northern Securities Co., 120 F. 721 (D. Minn. 1903), involved a four-judge panel decision applying federal antitrust law to a railroad consolidation. The court was also called upon to decide cases concerning the introduction of liquor into Indian territory and, after 1917, on the enforcement of the nation's liquor laws during Prohibition.

The Prohibition cases made the court's caseload extremely heavy during the 1920s, even though Congress had approved a third judgeship, filled by John F. McGee in 1923. Judge McGee's "sentence a minute" effort to dispose of the wave of prohibition cases generated a great deal of publicity. At one session of the court, Judge McGee is reported to have imposed 112 sentences in 130 minutes, as sightseeing buses were pressed into service to take prisoners to the jails.

In 1925, the first native Minnesotan, Judge John Sanborn, was appointed to the federal court. Judge Sanborn served until 1932, when he was elevated to United States Court of Appeals for the Eighth Circuit. As Judge Sanborn took on his share of prohibition cases, he became an advocate of prison farms for bootleggers, so that they might do work planting trees instead of "lolling their time away at Leaven-

Criminal Trials of Gangsters: The Roaring '20s and Early '30s

worth." In 1931, the U.S. superintendent of prisons announced the establishment of a federal prison farm in Sandstone.

The roaring '20s and early '30s ushered in other, more dramatic criminal trials, including the prosecution of gangsters like Roger "the Terrible" Touhy and Arthur "Doc" Barker. Touhy, a rival of Al Capone, was charged with the kidnapping of William Hamm, whose family owned the Hamm's Brewery in St. Paul.

Barker was tried and convicted of a second kidnapping of a prominent businessman, Edward Bremer. Guarded in jail by machine-gun equipped federal agents, Doc Barker was chained and handcuffed to three different agents as he was brought to room 317 of the Old Federal Courts building in St. Paul for trial.

In 1931, Judge Gunnar H. Nordbye, the "Grand Seignor" of the District Court, was appointed to fill the fourth judgeship authorized by Congress for the District of Minnesota. Judge Nordbye served for thirty-five years, from 1931-1967, presiding over cases ranging from the Governor's use of the national guard in response to violent labor disputes to the

The 1940' and '50s: Anti-Communist Laws and Redistricting

prosecution of Minneapolis syndicate boss Isadore "Kid Cann" Blumenfeld.

The 1940s brought prosecutions under a new federal anti-Communist law, the Smith Act. The Smith Act made it a crime to advocate the overthrow of the government by force and violence. In the early 1940s, federal Judge Matthew Joyce presided over a seven week trial involving charges against twenty-eight defendants under the Smith Act. Fourteen of the defendants were convicted. See *Dunne v. United States*, 138 F.2d 137 (8th Cir. 1943). During the late 1950s, a three judge panel of Judges Sanborn, Bell and Devitt considered one of the first

constitutional challenges to legislative redistricting. Finding serious imbalances in legislative representation due to the shift in population from rural to urban areas, the court nonetheless deferred decision on the constitutional issues to permit the legislature "full opportunity to 'heed the constitutional mandate to redistrict.'" *Magraw v.*

Conscientious Objectors to Treaty Rights: The Past 30 Years

Donovan, 163 F. Supp. 184 (D. Minn. 1959).

Cases involving draft protestors and conscientious objectors were common during the Vietnam War in the 1960s. The 1960s also brought increased litigation in the areas of civil rights, the right to an abortion, and enforcement of federal 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 during this time.

Three new judgeships were added in the 1980s as the court's caseload continued to increase, bringing the total number of judgeships to seven. The first woman, Judge Diana E. Murphy, was appointed to the federal bench in 1980, and the court was called upon to determine whether Minnesota's civil rights law could constitutionally be applied to forbid the United States Jaycees from discriminating against women. Other constitutional cases during the 1980s included challenges to a policy of strip searching all persons detained at the county jail to a statute authorizing tax deductions for private school tuition. More recently, the court has ruled upon American Indian treaty rights to hunt and fish, in a case which

Court Structure and Management

reached the U.S. Supreme Court.

Since 1890, the federal court in Minnesota has been comprised of one district, divided into six divisions. Judges maintain their chambers in the third and fourth divisions, and cases are heard in courthouses in the third

(St. Paul), fourth (Minneapolis), fifth (Duluth) and sixth (Fergus Falls) divisions. The first (Winona) and second (Mankato) divisions have been inactive for some time. The new federal courthouse in Minneapolis, completed in 1997, contains state-of-the-art technology to assist in multi-defendant, complex trials.

Minnesota federal judges have been at the forefront of several nationally-recognized innovations for handling civil and criminal cases. Judge William Cant, who served from 1923-1933, was instrumental in introducing the presentence investigation in criminal cases. Judge Edward Devitt, appointed by President Eisenhower in 1954, was the first to use a six person jury by rule of court in civil cases. Judge Devitt also co-authored the widely-



Minnesota's first federal courthouse located in St. Paul, (now the Landmark Center) opened in 1902.

United States District Court For the District of Minnesota

First Judgeship (Auth. 1858)	Second Judgeship (Auth. 1903)	Third Judgeship (Auth. 1922)	Fourth Judgeship (Auth. 1930)	Fifth Judgeship (Auth. 1979)	Sixth Judgeship (Auth. 1979)	Seventh Judgeship (Auth. 1984)
Rensselaer R. Nelson (1858-1896)						
William Lochren (1896-1908)	Page Morris (1903-1923)					
Milton Purdy (1908-1908)						
Charles A. Willard (1909-1914)						
Wilbur F. Booth (1914-1925)	William A. Cant (1923-1933)	John F. McGee (1923-1925)				
John B. Sanborn (1925-1932)		Joseph W. Molyneaux (1925-1937)				
Matthew M. Joyce (1932-1954)	Robert C. Bell (1933-1961)	George F. Sullivan (1937-1944)	Gunnar H. Nordbye (1931-1967)			
Edward J. Devitt (1954-1981)	Earl R. Larson (1961-1977)	Dennis F. Donovan (1945-1966)				
		Miles W. Lord (1966-1985)	Philip Neville (1967-1974)			
Paul A. Magnuson (1981-)	Harry H. MacLaughlin (1977-1992)	David S. Doty (1987-1998)	Donald D. Alsop (1975-1992)	Robert G. Renner (1980-1992)	Diana E. Murphy (1980-1994)	James M. Rosenbaum (1985-)
	Michael J. Davis (1994-)	Donovan W. Frank (1998-)	John R. Tunheim (1995-)	Richard H. Kyle (1992-)	Ann D. Montgomery (1996-)	

The Table of Succession outlines each of the federal court judgeships and the length of service of each United States District Court judge.